

SOUTH DAKOTA

Findings of the Child and Family Services Review

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U.S. Department of Health and Human Services

Administration for Children and Families

Region VIII

INTRODUCTION

This document presents the findings of the Child and Family Services Review for the State of South Dakota. The findings were derived from the following documents and data collection procedures:

- The Statewide Assessment prepared by the State child welfare agency — Child Protective Services (CPS) of the South Dakota Department of Social Services;
- The State Data Profiles prepared by the Children's Bureau of the U. S. Department of Health and Human Services;
- Reviews of 50 case records at three sites throughout the State; and
- Interviews with stakeholders at the three sites including, but not limited to, children, parents, foster parents, all levels of child welfare agency staff, school personnel, mental health providers, court personnel, and attorneys.

Key characteristics of the 50 case records reviewed include the following:

- 38 were foster care cases and 12 were cases open for services in which children remained in their homes (in-home cases).
- 15 case records were reviewed in the Brookings office, 15 in the Chamberlain office, and 20 in the Sioux Falls office. All cases were brought to the attention of the agency because of child maltreatment.

The first section of the report presents the findings relevant to the State's achieving specific outcomes for children in the areas of safety, permanency, and well-being. The second section of the report addresses the systemic factors relevant to the child welfare agency's ability to achieve positive outcomes for children.

EXECUTIVE SUMMARY SOUTH DAKOTA

The Child and Family Services Review (CFSR) assesses State performance during a specified time period with respect to seven child welfare outcomes in the areas of safety, permanency, and well-being. This assessment is based on information obtained from a randomly selected sample of 50 child welfare cases and from interviews with individuals involved in the cases including caseworkers, parents, foster parents, and children, when appropriate. The CFSR also evaluates State functioning with respect to seven systemic factors using information from the Statewide Assessment and from interviews and focus groups with key community and agency stakeholders.

South Dakota achieved substantial conformity in five of the seven systemic factors subject to review, but did not achieve substantial conformity on the seven outcomes in the areas of safety, permanency and child and family well being.

The two systemic areas in which the State was not determined to be in substantial conformity are Case Review System and Service Array. The primary areas needing improvement related to Case Review System concern the joint development of case plans with parents (item 25), the conduct of periodic reviews for children in foster care (item 26), provisions for termination of parental rights (item 28), and notification of foster and pre-adoptive parents of hearings and reviews (item 29). Within the Service Array systemic factor, the primary concerns were with the accessibility of services to children and families (item 36) and the agency's ability to individualize services to children and families (item 37).

An area of concern that was reflected throughout the review is the relationship between the state and the Native American tribes. According to the Statewide Assessment, approximately 65% of the children in foster care are of Native American heritage. In the CFSR sample for South Dakota, 54% of the cases were of Native American children and families. Both the state and tribal representatives who were interviewed during the review expressed frustrations regarding the way cases involving Indian children and families were handled. Our review findings reflect the struggles to maintain cultural identity and sovereignty while assuring safety and permanency for children.

Some of the areas where the state will need to focus on improvements concerning Native American children include: (1) a need to recruit more Native American foster homes so that children can be placed within their tribes; (2) a need to improve preservation of connections to Native American culture when children are placed outside of the tribe; (3) more training for foster parents to understand how to connect children to tribal activities and events; and (4) a need to collaborate with the Indian Health Services to ensure that the health needs of Native American children in the child welfare system are being met.

Further, the State's challenges in moving children in foster care to permanent living situations reflect barriers in both the State and tribal court systems to implementing fully the provisions of the Adoption and Safe Families Act (ASFA) and Indian Child Welfare Act (ICWA). In some situations, terminations of parental rights are not pursued for children who cannot return home, and they remain in long term foster care for extended periods of time when, in fact, other

permanency options may be available and viable. Such situations occur when the tribes or the State do not pursue termination of parental rights (TPR), when a tribal judge agrees to a TPR but the tribal council objects, and when courts in the State do not terminate parental rights for children past a certain age, e.g., eleven years old. The State will need to work closely with both the tribes and the State court system to ensure implementation of ASFA requirements so that children in foster care achieve permanency in timely and appropriate ways.

Although the State was determined not to be in substantial conformity on the seven outcomes, there were some items pertaining to the outcomes that were assigned a rating of strength. In particular, the State was noted to be effective with respect to the following:

- Establishing appropriate permanency goals for children (item 7), including goals related to living arrangements other than adoption or reunification (item 10).
- Placing children in close proximity to their families (item 11), placing siblings together when possible (item 12), and searching for and placing children with relatives when appropriate (item 15).
- Making diligent efforts to support visitation between children and their parents and siblings (item 13) and to encourage a positive relationship with parents, when appropriate (item 16).
- Conducting frequent visits with parents (item 20).

The following is a summary of the CFSR findings with respect to outcomes and systemic factors:

KEY FINDINGS RELATED TO OUTCOMES

I. SAFETY

Outcome S1: Children are, first and foremost, protected from abuse and neglect.

Status of Safety Outcome S1 – Not in Substantial Conformity

South Dakota did not achieve substantial conformity for Safety Outcome 1 based on the following findings:

- The State did not meet the national standard for the incidence of repeat maltreatment.
- Only 68 percent of the case records reviewed were rated as having substantially achieved this outcome. This is less than the 90 percent required for an overall rating of substantial conformity.

Assessments of individual items subsumed under Safety Outcome 1 are as follows:

Item 1. Timeliness of Initiating Investigations of Reports of Child Maltreatment

This item was assigned an overall rating of Area Needing Improvement because in 27 percent of the cases, the time taken to initiate an investigation of a child maltreatment report exceeded State policy requirements.

Item 2. Repeat Maltreatment

This item was assigned an overall rating of Area Needing Improvement based on the following information:

- According to the State Data Profile, the incidence of repeat maltreatment in South Dakota for 1999 was 11.1 percent, which is higher than the nationally established standard of 6.1 percent.
- The incidence of repeat maltreatment from the case record review was 22 percent.
- The Statewide Assessment noted that repeat maltreatment is an area of concern for the agency.
- A number of stakeholders, including personnel from within CPS, expressed concern about the extent of repeat maltreatment.

Outcome S2: Children are safely maintained in their homes whenever possible and appropriate.

Status of Safety Outcome S2 – Not in Substantial Conformity

South Dakota did not achieve substantial conformity with Safety Outcome 2. Only 70 percent of the case records reviewed were rated as having substantially achieved this outcome, which is less than the 90 percent required for an overall rating of substantial conformity. Assessments of the individual items subsumed under Safety Outcome S2 are presented below.

Item 3. Services To Families to Protect Children in Their Homes and Prevent Removal

This item was assigned an overall rating of Area Needing Improvement because, in more than one-third of the cases reviewed, it was determined that CPS had not made diligent efforts to prevent removal and keep children safe in their homes. In the Statewide Assessment, this problem was attributed in part to a lack of available services rather than a failure on the part of CPS to refer families or engage families in services. However, the case record reviews suggest that the problem also may be attributed to a lack of CPS follow up once a family is referred for services. Stakeholders suggested that the excessive caseloads of many caseworkers hampers their efforts to follow up with families.

Item 4. Risk of Harm to Child

This item was assigned an overall rating of Area Needing Improvement primarily because in 20 percent of the cases, the determination was that CPS had not made diligent efforts to reduce the risk of harm to children. In some cases, maltreatment reports were made on families while the case was open for services. In addition, the review findings indicate that the agency current Risk Assessment Matrix tool used by the agency, is not structured in such a way as to assist staff in determining both risk of harm and the services necessary to reduce the risk. According to the Statewide Assessment, CPS expects that its capacity to reduce risk of harm to children will improve with the implementation of the Individual Family Assessment model that the State is currently testing and adopting. This model includes a comprehensive component for assessing risk and will provide caseworkers with a standardized decision-making tool.

II. PERMANENCY

Outcome P1: Children have permanency and stability in their living situations.

Status of Permanency Outcome P1 – Not in Substantial Conformity

South Dakota did not achieve substantial conformity with Permanency Outcome 1, based on the following findings:

- Only 78.9 percent of the case records were rated as having substantially achieved Permanency Outcome 1, which is less than the 90 percent required for an overall rating of substantial conformity.
- The State did not meet the national standards for the incidence of foster care re-entries or for the stability of placements. (However, the State did meet national standards for the percentage of reunifications occurring within 12 months of removal of the child from the home and for the percentage of adoptions occurring within 24 months of removal.)

Information regarding the five items relevant to Permanency Outcome P1 is presented below.

Item 5. Foster care re-entries

Item 5 was assigned an overall rating of Area Needing Improvement in response to the following information:

- The State incidence of foster care re-entry (14.2%) did not meet the national standard of 8.6 percent.
- The case review incidence of re-entry into foster care was (11%).
- Although there were no foster care re-entries for 89 percent of the cases reviewed, almost three-fourths of these cases involved children who were in foster care or another permanent placement during the entire period under review. Therefore, for these children, there was no opportunity for a re-entry to occur.
- The Statewide Assessment indicated that the majority of South Dakota offices do not meet the national standard for foster care re-entries and that the issue of foster care re-entry will be a major focus of the agency in planning program improvement.

Item 6. Stability of foster care placement

Item 6 was assigned an overall rating of Area Needing Improvement primarily because the State did not meet the national standard for placement stability, although it did come close to meeting this standard. As noted in the Statewide Assessment, one factor that impacts placement stability is the difficulty of appropriately matching the needs of a child with the strengths of a foster family when the availability of foster homes is limited. This concern was echoed by many stakeholders.

Item 7. Permanency goal for child

Item 7 was assigned an overall rating of Strength based on the following:

- 76 percent of the cases were rated as a Strength for this item.
- The State met the national standard for the percent of reunifications occurring within 12 months of removal.
- The State met the national standards for adoptions occurring within 24 months of removal.

Part of the agency's success in achieving permanency for children was attributed (in the Statewide Assessment and by many stakeholders) to the subsidized guardianship program that the agency has had since 1983. According to the State, the ability to provide funds to guardians has been an incentive for relatives and some other caretakers to assume legal guardianship. This has been particularly relevant in situations in which relatives assume guardianship over large siblings groups.

Item 8. Independent living services

Item 8 was assigned an overall rating of Area Needing Improvement. The Statewide Assessment describes a comprehensive Independent Living Program. There were four applicable cases to assess this item. Two of the four applicable cases, this item was rated as a strength and two were rated as areas needing improvement. In the two cases in which there were areas needing improvement, there were concerns that there was no evidence of planning for children who were transitioning into independent living.

Item 9. Adoption

Item 9 was assigned an overall rating of Area Needing Improvement based on the finding that more than one-third of the cases involving children with adoption as a goal were rated as an Area Needing Improvement. Although South Dakota far exceeded the national standard pertaining to the percent of adoptions occurring within 24 months of the time of removal, information in the Statewide Assessment suggests that this statistic may be misleading. As noted in the Statewide Assessment, in the State information systems (both FACIS and the legacy system), children are discharged from foster care to adoption when the child is placed in an adoptive home or the child is in adoptive status with her or his foster family. This is not actually an exit to a finalized adoption because finalization has not taken place. However, it is reported to AFCARS as a discharge and therefore is interpreted by AFCARS as a finalized adoption, in accordance with the AFCARS discharge definitions. Because the required time between placement and finalization in South Dakota is 6 months, and some finalizations may take longer due to legal proceedings, the statistics reported in the State Data Profile regarding the time to a finalized adoption may not be accurate. The Statewide Assessment indicated that the State plans to examine these data in their AFCARS 2000 data submissions.

Item 10. Permanency goal of other planned permanent living arrangement

Item 10 was assigned an overall rating of Strength because all cases reviewed were assessed as a Strength for this area. Although only 7 cases in the case record review were applicable for this assessment, reviewers determined that for these children, the goal established was appropriate, and the current placement appeared stable and supportive for the child.

Outcome P2: The continuity of family relationships and connections is preserved for children.

Status of Permanency Outcome P2 – Not in Substantial Conformity

South Dakota did not achieve substantial conformity with Permanency Outcome 2. This determination was based on the finding that the outcome was rated as substantially achieved in 86.8 percent of the cases, which is less than the 90 percent required for a determination of substantial conformity. The primary problem identified concerned preserving connections for children in foster care, particularly Native American children placed with non-Native American families.

A summary of findings pertaining to the specific items assessed under Permanency Outcome 2 is presented below.

Item 11. Proximity of foster care placement

This item was assigned an overall rating of Strength because, in almost 97 percent of the applicable foster care cases, children were placed in close proximity to parents whenever possible or when such placement was in their best interest.

Item 12. Placement with siblings

Item 12 was assigned an overall rating of Strength because in 92 percent of the applicable cases, siblings were either placed together or the reason for separation was determined to be valid. The Statewide assessment also indicated that the agency has access to several therapists in the State who are adept at sibling evaluations and whose evaluations are used in making long-term decisions regarding sibling placements.

Item 13. Visiting with parents and siblings in foster care

Item 13 was assigned an overall rating of Strength because in 86 percent of the applicable cases, the agency was determined to have made diligent efforts to ensure that visitation was appropriate and frequent. Stakeholders commented that the agency promotes visitation through a contract with special visitation centers in some regions of the State. These centers are designed to facilitate parent-child contacts while ensuring the child's safety.

Item 14. Preserving connections

Item 14 was assigned an overall rating of Area Needing Improvement because in 27 percent of the cases, reviewers determined that the issue of maintaining connections with the child's cultural heritage had not been, or was not being, sufficiently addressed. This is an important issue in South Dakota because, as noted in the Statewide Assessment, 65 percent of the children in foster care in South Dakota are of Native American heritage. A key problem is a lack of Native American foster homes.

Item 15. Relative placement

Item 15 was assigned an overall rating of Strength based on the fact that reviewers provided this rating in 95 percent of the cases. The agency's success in achieving relative placements was attributed by stakeholders and by the Statewide assessment to the following factors:

- The agency requires staff to complete a Family Fact Sheet within 60 days of placement that presents information on all family members and documents staff efforts to locate them.
- Relatives who appear to be appropriate placement resources and are interested in taking the children are assigned to have a home study completed prior to placement. The home study must be completed within 60 days of the request.
- There is a subsidized guardianship program for relatives, which the agency has had in place since 1983. CPS currently has 50 children in subsidized guardianship.

Item 16. Relationship of child in care with parents

Item 16 was assigned an overall rating of Strength based on the finding that 92 percent of the applicable cases were rated as a Strength on this item. However, the review findings primarily pertain to the relationship of the custodial parent with the child. Reviewers suggest that children's relationships with non-custodial parents are not being sufficiently addressed

III. WELL-BEING

Outcome WB1: Families have enhanced capacity to provide for their children's needs.

Status of Well-Being Outcome WB2 – Not in Substantial Conformity

South Dakota did not achieve substantial conformity with Well-Being Outcome 1 because only 62 percent of the case reviewed were determined to have substantially achieved this outcome. This is less than the 90 percent required for a determination of substantial conformity. Findings pertaining to the specific items assessed under Well-Being Outcome 1 are presented below.

Item 17. Needs and services of child, parents, foster parents

Item 17 was assigned an overall rating of Area Needing Improvement because this item was rated as a strength in only 58 percent of the cases. The primary problem identified was a lack of sufficient attention to the service needs of children in in-home cases and to the service needs of biological parents in foster care cases.

Item 18. Child and family involvement in case planning

Item 18 was assigned an overall rating of Area Needing Improvement based on the finding that in more than one-third of the cases reviewed, parents and/or children were not involved in the case plan development process. Although workers were said to be encouraged to involve parents, CPS personnel and other stakeholders were not aware of any formal process or policy requirement for involving biological parents in case plan development.

Item 19. Worker visits with child

Item 19 was rated as an Area Needing Improvement based on the finding that in almost one-third of the case records reviewed, workers did not visit children in foster care in accordance with State requirements, and reviewers determined that workers did not make sufficiently frequent visits to children in in-home cases. The Statewide Assessment notes that the agency has limited access to hard data regarding the frequency of contact between caseworkers and children in their caseloads, because contact dates and frequency are not tracked by either of the State's information systems.

Item 20. Worker visits with parents

Item 20 was assigned an overall rating of Strength based on the finding that in 80 percent of the cases, reviewers determined that workers met with parents at least monthly, and more frequently when necessary. The results of a State-conducted survey on this issue, as reported in the Statewide Assessment, were that 13 workers reported having monthly contact with parents, 17 reported contact two times per month, and 60 workers reported that they have weekly contact with parents.

Outcome WB2: Children receive appropriate services to meet their educational needs.

Status of Well-Being Outcome WB2 - Not in Substantial Conformity

South Dakota did not achieve substantial conformity with Well-Being Outcome 2 because only 74.4 percent of the applicable case records reviewed were rated as having substantially achieved

this outcome, which is less than the 90 percent required for substantial conformity. Findings specific to this outcome are presented below.

Item 21. Educational needs of the child

Item 21 was assigned an overall rating of Area Needing Improvement because in 26 percent of the cases, reviewers identified concerns regarding meeting children's educational needs. The primary problem was that the educational needs of children in in-home cases were not being addressed even when there were clear education-related problems.

Outcome WB3: Children receive adequate services to meet their physical and mental health needs.

Status Of Well-Being Outcome 3 - Not in Substantial Conformity

South Dakota did not achieve substantial conformity with Well-Being Outcome 3. This outcome was rated as substantially achieved in only 65.2 percent of the cases reviewed, which is less than the 90 percent required for a determination of substantial conformity. Assessments of the specific items assessed under Well-Being Outcome 3 are presented below.

Item 22. Physical health of the child

Item 22 was assigned an overall rating of Area Needing Improvement because almost one-fourth of the children in the case record review were found to have not received comprehensive physical health services. A primary problem identified through the case record reviews was a lack of dental services for children. The Statewide Assessment noted that currently obtaining dental care for children in custody is problematic due to the lack of dentists in the State willing to accept Title XIX payments. Stakeholders confirmed this perception of the situation with respect to dental services.

Item 23. Mental health of the child

Item 23 was assigned an overall rating of Area Needing Improvement because the item was rated as a Strength in only 69 percent of the applicable cases. Also, the Statewide Assessment indicated that while mental health services are available, they are not always accessible to many families and a number of families must travel long distances to get to the services because of the large number of South Dakota's very small communities. An additional issue identified was that mental health assessments are not a routine part of the services provided to children in foster care even when children have been victims of chronic abuse/neglect and/or have had multiple placements while in foster care.

KEY FINDINGS RELATING TO SYSTEMIC FACTORS

IV. STATEWIDE INFORMATION SYSTEM

Status of Statewide Information System – Substantial Conformity

Item 24. The State is operating a statewide information system that, at a minimum, can

readily identify the status, demographic characteristics, location, and goals for the placement of every child who is (or within the immediately preceding 12 months, has been) in foster care.

South Dakota is in substantial conformity with respect to the factor of Statewide Information System. The State currently has two systems in operation. One is a legacy system that records demographic information on families and children, service provision, the child's legal status, and key dates and generates payments to providers. The second is a State Automated Child Welfare Information System called FACIS—Family and Children Information System. The State is in the process of replacing the legacy system with FACIS. FACIS provides more case-related detail and narrative than the legacy system. Reports that are routinely generated through FACIS are recurrence of maltreatment, number of children in foster care, number and types of cases, and number and types of children in the State's Independent Living Program.

V. CASE REVIEW SYSTEM

Status Of Case Review System - Not In Substantial Conformity.

Item 25. Provides a process that ensures that each child has a written case plan to be developed jointly with the child's parent(s) that includes the required provisions.

This item was rated as an Area Needing Improvement because CPS personnel are required to incorporate parent input into the case plan or to involve parents in the case planning process. Although the State's Attorney noted that parents are expected to sign case plans when they are completed, most stakeholders, including CPS personnel, reported that, usually, the case plan is prepared by the agency and then presented to parents for their signature. This was confirmed by the case record reviews, which found that parents were not involved in case planning in 36 percent of the cases.

Item 26. Provides a process for the periodic review of the status of each child, no less frequently than once every 6 months, either by a court or by administrative review.

This item was rated as an Area Needing Improvement. According to the Statewide Assessment, South Dakota Codified Law 26-8A-24 requires the court to conduct a review hearing every 6 months except in cases where parental rights have been terminated, or the court has placed the child in the custody of the agency with an approved alternative permanent plan. Although the Statewide Assessment indicates that both the mainframe (legacy) and FACIS systems can be used to track the 6-month administrative reviews, stakeholders who are part of the court system indicated that hearings are only tracked prior to TPR or establishment of Long Term Foster Care as a goal. Once these determinations have been made, the court does not track future hearings, but will hold a hearing at the request of the agency. However, periodic reviews are still required by regulation for this population. Although the agency does have Permanency Planning Review Teams (PPRT) in place to assist in the compliance of 6-month hearings, these forums have not been effective in moving children to permanency in a timely manner.

Item 27. Provides a process that ensures that each child in foster care under the supervision of the State has a permanency hearing in a qualified court or administrative body no later than 12 months from the date the child entered foster care and no less frequently than every 12 months thereafter.

This item was assigned a rating of Strength. The Statewide Assessment indicates that the CPS State office tracking system includes tracking of time-frames for achieving 12-month permanency hearings, termination of parental rights for children in care 15 out of the last 22 months, and verification of compelling reasons when termination of parental rights is not initiated. However, most stakeholders agreed that judges do not require the agency to bring children back to court for permanency hearings after either TPR or a goal of Long Term Foster Care has been established.

Item 28. Provides a process for termination of parental rights proceedings in accordance with the provisions of the Adoption and Safe Families Act.

This item was rated as an Area Needing Improvement because although there is an ASFA Tracking Form that documents the State's overall efforts in meeting the requirements of the Adoption and Safe Families Act, there are many delays in achieving termination of parental rights (TPR) in a timely manner. The data indicate that there are 239 children who have been in care 15 of the most recent 22 months and termination of parental rights (TPR) on both parents has not been completed.

Item 29. Provides a process for foster parents, pre-adoptive parents, and relative caregivers of children in foster care to be notified of, and have an opportunity to be heard in, any review or hearing held with respect to the child.

This item was rated as an Area Needing Improvement. According to the Statewide Assessment, CPS policy requires that local office staff notify foster parents, pre-adoptive parents, and relative caregivers of review hearings. The same policy also states that foster care providers must be given the opportunity to be heard in all hearing or administrative reviews regarding a child in their care. However, stakeholders including foster parents themselves, noted that foster parents and relative caregivers are rarely permitted to participate in the hearings.

VI. QUALITY ASSURANCE SYSTEM

Status Of Quality Assurance System - Substantial Conformity

Item 30. The State has developed and implemented standards to ensure that children in foster care are provided quality services that protect the safety and health of the children.

This item was rated as a Strength because the State has established clear standards through its licensing procedures for foster parents and group facilities, its requirement of PRIDE training for all foster parents, and its use of criminal background checks and central registry checks. One concern raised by a stakeholder was that there was no licensing regulation regarding use of physical restraints in residential placement facilities. This was a significant concern because some facilities had been reported for maltreatment as a result of using restraints that were alleged to have caused injuries to children

Item 31. The State is operating an identifiable quality assurance system that is in place in the jurisdictions where the services included in the CFSP are provided, evaluates the quality of services, identifies strengths and needs of the service delivery system, provides relevant reports, and evaluates program improvement measures implemented.

This item was rated a Strength because of the range of quality assurance activities throughout the State. In addition, stakeholders noted that either Child Protection Councils or Child Protection Teams exist in every area of the State and that they play a significant quality assurance role. Local CPS staff indicated that they hold supervising reviews, which involve a review of one case record per month per supervisor, not per worker.

VII. TRAINING

Status Of Training - Substantial Conformity

Item 32. The State is operating a staff development and training program that supports the goals and objectives in the CFSP, addresses services provided under titles IV-B and IV-E, and provides initial training for all staff who deliver these services.

This item was rated as a Strength for the State. Not only does the State operate a Certification Training program but supervisors are required to provide an orientation to all new social workers in a local office that usually includes manual reviews, shadowing of experienced workers, and on-going supervisor consultation. Some districts include in-service training sessions, co-assignments of cases with experienced workers, and introductions to community stakeholders as part of the orientation. However, there is only one district that does not assign new social workers to child abuse/neglect investigations until they have completed social worker certification.

Item 33. The State provides for ongoing training for staff that addresses the skills and knowledge base needed to carry out their duties with regard to the services included in the CFSP.

This item was rated as an Area Needing Improvement because although ongoing training is available from the agency, there does not appear to be any requirements for workers to obtain ongoing training nor is there an established formal curriculum for addressing ongoing training needs. Training was noted to take place during the Social Worker Annual Conference and the Annual Management Conference.

Item 34. The State provides training for current or prospective foster parents, adoptive parents, and staff of State licensed or approved facilities that care for children receiving foster care or adoption assistance under title IV-E that addresses the skills and knowledge base needed to carry out their duties with regard to foster and adopted children.

This item was rated as a Strength because the State provides all foster parents with the PRIDE (Parents' Resource for Information Development Education) Program. PRIDE is a competency-based program that includes a 30-hour preservice (orientation) program for prospective foster and adoptive parents. There are 10 inservice training modules used after initial licensure to address the needs of families after they have been licensed. South Dakota continues to participate in the PRIDE National Advisory Committee to assess and improve the program. In addition to PRIDE, foster parents are required to have 6 hours of inservice training each year.

VIII. SERVICE ARRAY

Status With Regard To Service Array - Not In Substantial Conformity

Item 35. The State has in place an array of services that assess the strengths and needs of children and families and determine other service needs, address the needs of families in addition to individual children in order to create a safe home environment, enable children to remain safely with their parents when reasonable, and help children in foster and adoptive placements achieve permanency.

This item was rated as a Strength because it was noted that South Dakota has the services necessary to meet the needs of children and families, although it does not have enough of them to ensure access for all children and families throughout the State. To address this problem, the State collaborates with many community services partners to ensure as broad an array of services as possible. The key gaps in services across the State were identified as (1) special needs day care; (2) mental health day-treatment services for children; (3) therapeutic services for adoptive families; (4) multicultural centers; (5) sufficient in-home mental health services so that there are no waiting lists for services; and (6) transportation to receive needed services. Another gap identified was the availability of quality residential placements for children in foster care.

Item 36. The services in item 35 are accessible to families and children in all political jurisdictions covered in the State's CFSP.

This item was rated as an Area Needing Improvement. There was general agreement among stakeholders commenting on this issue that services are readily available in Rapid City and Sioux Falls, but not in the more rural areas of the State. Two noteworthy exceptions to this are the Casey Family services offered on the Pine Ridge and Rosebud Reservations.

Item 37. The services in item 35 can be individualized to meet the unique needs of children and families served by the agency.

This item was rated as an Area Needing Improvement. Although stakeholders identified several services that can be and are individualized to meet the unique needs of children and families, the residential treatment facilities were cited as not individualizing services to meet children's needs, with the exception of the facility operated by the Children's Home Society. In most of the facilities, a "levels" approach to services was used with all children going through the same program regardless of their individual needs. Additionally, the lack of Native American foster homes and foster homes representing some of the cultures of recent immigrants to the State hamper the agency's capacity to meet culturally-related needs for children in foster care.

IX. AGENCY RESPONSIVENESS TO THE COMMUNITY

Status With Regard To Agency Responsiveness To The Community - Substantial Conformity

Item 38. In implementing the provisions of the CFSP, the State engages in ongoing consultation with tribal representatives, consumers, service providers, foster care providers, the juvenile court, and other public and private child- and-family -serving

agencies and includes the major concerns of these representatives in the goals and objectives of the CFSP.

This item was rated as a Strength. According to the Statewide Assessment, focus groups were held in six locations prior to the development of the FY2000-2004 plan. Those 6 locations represented a cross section of the State—i.e., the two largest communities, two tribal jurisdictions, and two average- sized communities. A large share of the activities within the Plan includes ongoing involvement of external stakeholders in implementing and evaluating the goals and objectives of the plan. The external stakeholders include the Independent Living Services advisory board, Parenting Education Partners advisory board, tribal contracted programs, State Child Placement Team, Child Protection Teams, Citizen Review Panel, and Children's Justice Task Force.

Item 39. The agency develops, in consultation with these representatives, annual reports of progress and services delivered pursuant to the CFSP.

This item was rated as a Strength. The Statewide Assessment reported that the information from the focus groups and the meeting with the State and federal administrative representatives was used for the dual purpose of completing the Statewide Assessment and the FY 2001 Child and Family Services Plan review.

Item 40. The State's services under the CFSP are coordinated with services or benefits of other Federal or federally assisted programs serving the same population.

This item was rated as a Strength. Stakeholders interviewed during the review process indicated that it was routine practice for local agencies to meet regularly to discuss cases, identify priorities for services, address mental health services waiting lists, and generally address the issue of service coordination. Stakeholders reported that meetings between the child welfare agency and private agencies occur on a regular basis and aid in coordinating services. The Child's Voice Advocacy Center provides for a multi-disciplinary approach to dealing with sexual abuse issues across the various agencies. There also is coordination with juvenile justice in addressing many of the service needs of children.

X. FOSTER AND ADOPTIVE PARENT LICENSING, RECRUITMENT, AND RETENTION

Status With Regard To Foster And Adoptive Parent Licensing, Recruitment, And Retention - Substantial Conformity

Item 41. The State has implemented standards for foster family homes and child care institutions, which are reasonably in accord with recommended national standards.

This item was rated as a Strength. South Dakota has had administrative rules for licensing of family foster homes since 1977, for adoptive homes since 1976, for group care centers for minors since 1975, and for residential treatment centers since 1981. These rules were developed using committees of consumers, providers, and other professionals and using CWLA standards and regulations from other States as guidelines. The rules are periodically reviewed and updated to reflect current practice or when concerns are raised by staff, consumers, providers, or the general public.

Item 42. The standards are applied to all licensed or approved foster family homes or child care institutions receiving title IV-E or IV-B funds.

This item was rated as a Strength. According to the Statewide assessment, CPS has comprehensive Licensing and Adoption Manuals that outline agency policies and procedures for licensing and adoption and include explanations for the application of licensing rules. Supervisors of licensing staff are expected to review the manuals with new staff and provide training during the initial period of employment. Children are not placed in a provisionally licensed home.

Item 43. The State complies with Federal requirements for criminal background clearances as related to licensing or approving foster care and adoptive placements and has in place a case planning process that includes provisions for addressing the safety of foster care and adoptive placements for children.

This item was rated a Strength. As noted in the Statewide Assessment, South Dakota Administrative Rules require the following:

- All family foster parents and adoptive parents and adult household members must have criminal record checks completed.
- All staff and volunteers of licensed child welfare agencies must have a criminal record check completed.
- All family foster parents and adoptive parents and household members ten years of age and older must be screened for substantiated reports of abuse or neglect.
- All staff and volunteers of licensed child welfare agencies must be screened for substantiated reports of abuse or neglect.

Item 44. The State has in place a process for ensuring the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.

This item was rated as an Area Needing Improvement because both the Statewide Assessment and the stakeholders interviewed indicated that a major problem confronting CPS is the scarcity of foster homes, particularly Native American foster homes.

Item 45. The State has in place a process for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.

This item was rated as a Strength. CPS lists children on the regional adoption exchange located in Denver, Colorado. The Adoption Exchange includes Utah, Nevada, New Mexico, Wyoming, Colorado, South Dakota, Oklahoma and Missouri. Details about the children are included in a written profile and a web site, both of which are maintained by the Adoption Exchange. The Adoption Exchange also lists the children on the national web site.

SECTION 1: OUTCOMES

I. SAFETY

Outcome S1: Children are, first and foremost, protected from abuse and neglect.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Team 1 Sioux Falls	Team 2 Brookings	Team 3 Chamberlain	Total Number	Total Percentage
Substantially Achieved:	12	10	12	34	68.0
Partially Achieved:	5	5	2	12	24.0
Not Achieved or Addressed:	3	0	1	4	8.0
Not Applicable:	0	0	0	0	
Conformity of Statewide data indicators with national standards:					
	National Standard	State's Percentage	Meets Standard	Does Not Meet Standard	
Repeat maltreatment	6.1	11.0		X	
Maltreatment of children in foster care	.57	.56	X		

STATUS OF SAFETY OUTCOME 1:

South Dakota did not achieve substantial conformity for Safety Outcome 1. This determination was based on the following findings:

- The State did not meet the national standard for the incidence of repeat maltreatment.
- Only 68 percent of the case records reviewed were rated as having substantially achieved this outcome. This is less than the 90 percent required for an overall rating of substantial conformity.

The findings pertaining to specific items assessed under Safety Outcome 1 are presented and discussed below.

Item 1. Timeliness of initiating investigations of reports of child maltreatment

____ Strength __X__ Area Needing Improvement

Review Findings: The assessment of item 1 was applicable for 33 (66%) of the 50 case records reviewed. Seventeen case records were not applicable for this assessment because they did not involve reports of child maltreatment during the period under review. In assessing item 1, reviewers were to determine whether the response to a maltreatment report occurring during the period under review had been initiated in accordance with agency policy. For South Dakota, agency policy requires that face-to-face contact is made with the child and family within 14 days of the date of report in non-emergency cases and on the same day as the report in emergency cases. The results of this assessment were the following:

- Item 1 was rated as a Strength in 24 (73%) of the 33 applicable cases.
- Item 1 was rated as an Area Needing Improvement in 9 (27%) of the 33 applicable cases.

For 5 of the 9 cases for which item 1 was rated as an Area Needing Improvement, the face-to-face contact was made in less than 18 days from the time of the report, and all emergency cases were responded to on the same day.

All twelve stakeholders (none of whom were CPS employees) that commented on this issue expressed the opinion that the agency initiates and conducts investigations in a timely manner. Three of these stakeholders noted that reports that come in after hours are always "covered" by CPS and law enforcement.

Determination and Discussion: This item was assigned an overall rating of Area Needing Improvement because, despite stakeholder perceptions, the agency response to maltreatment reports in over one-fourth of the case records was not within State requirements.

Item 2. Repeat maltreatment

☐ Strength ☒ Area Needing Improvement

Review Findings: The assessment of item 2 included 49 (98%) of the 50 case records. In assessing this item, the reviewer was to identify instances of repeat substantiated or indicated maltreatment reports during the period under review. The results were the following:

- Item 2 was rated as a Strength for 38 (78%) of the 49 applicable cases.
- Item 2 was rated as an Area Needing Improvement for 11 (22%) of the 49 applicable cases.

Although this item was rated as a Strength in 38 cases, in 19 of these cases the target child was in foster care or in an adoptive or guardianship placement throughout the period under review. Consequently, there were limited opportunities for repeat maltreatment of these children. Also, in all but three of the cases in which item 2 was rated as a Strength, multiple reports occurred prior to the

period under review with 25 cases having more than 10 reports and three cases having more than 30 reports. Some of the reports occurring prior to the period under review were substantiated or indicated and some were screened out, assigned for assessment, or unsubstantiated. For the 11 cases for which item 2 was rated as an Area Needing Improvement, reviewers found that the agency did not provide services or make a decision to remove a child until the situation had reached a crisis.

The 16 stakeholders and focus group participants commenting on this issue had varied opinions. Some stakeholders expressed the opinion that repeat maltreatment is not a problem for the State. However, 12 stakeholders, many of whom were CPS staff, expressed concerns about repeat maltreatment and about CPS's ability to ensure children's safety. Examples of comments provided regarding this issue are the following:

- The agency waits far too long before removing children, and when they finally do, the children have extensive service needs.
- The screen-out rate is particularly high in some offices and needs to be examined.
- CPS is concerned about repeat reports and wants to do an in-depth analysis of cases.
- Lack of follow up by case managers is a key reason for repeat maltreatment. Case managers have too many cases and often are able to just give a "band aid" approach to serving families.
- Reports made on cases that are open for services often get passed on to case managers without ever being investigated.

Determination and Discussion: This item was assigned an overall rating of Area Needing Improvement based on the following:

- According to the State Data Profile, the incidence of repeat maltreatment in South Dakota for 1999 was 11.1 percent, which is higher than the nationally established standard of 6.1 percent.
- The incidence of repeat maltreatment found for the case record review was 22 percent.
- The Statewide Assessment noted that repeat maltreatment is an area of concern for the agency.
- A number of stakeholders, including personnel from within CPS, expressed concern about the level of repeat maltreatment.

The Statewide Assessment also indicated that CPS expects the incidence of repeat maltreatment to decline with the statewide implementation of a pilot program called Initial Family Assessment (IFA). This program was developed to address all issues pertaining to child safety, including repeat maltreatment. The IFA was described in the Statewide Assessment as providing caseworkers with a tool to use in investigative decision making that is risk-based rather than incident-based. Although most stakeholders commenting on the IFA were optimistic about its potential to enhance decision-making, many of them, particularly those who are CPS personnel, noted that unless workers have reduced caseloads, the IFA approach will not help matters. The results of the pilot IFA test sites were not reported in the Statewide Assessment and were not mentioned by stakeholders interviewed during the onsite review, so it is difficult to evaluate the impact of the program. However, the State plans to implement the IFA statewide as

soon as possible. It is already being implemented in the Sioux Falls site and in Brookings. There was no mention in stakeholder interviews of the target date for statewide implementation.

Safety Outcome S2: Children are safely maintained in their homes whenever possible and appropriate.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Team 1 Sioux Falls	Team 2 Brookings	Team 3 Chamberlain	Total Number	Total Percentage
Substantially Achieved:	11	13	11	35	70.0
Partially Achieved:	5	0	2	7	14.0
Not Achieved or Addressed:	4	2	2	8	16.0
Not Applicable:	0	0	0	0	

STATUS OF SAFETY OUTCOME 2:

South Dakota did not achieve substantial conformity with Safety Outcome 2. This determination was based primarily on the finding that only 70 percent of the case records reviewed were rated as having substantially achieved this outcome. This is less than the 90 percent required for an overall rating of substantial conformity.

Findings pertaining to the specific items assessed under Safety Outcome 2 are presented and discussed below.

Item 3. Services to family to protect child(ren) in home and prevent removal

____ Strength __X__ Area Needing Improvement

Review Findings: There were 27 cases for which an assessment of item 3 was applicable. Twenty-three cases were excluded from this assessment because there were no substantiated or indicated maltreatment reports or identified risks of harm to a child in the home during the period under review. For this item, reviewers were to assess whether, in responding to a substantiated or indicated maltreatment report or a risk of harm, CPS made diligent efforts to provide services to families to prevent removal of children from their homes while at the same time ensuring their safety. The results of this assessment were the following:

- Item 3 was rated as a Strength for 17 (63%) of the 27 applicable cases.
- Item 3 was rated as an Area Needing Improvement for 10 (37%) of the 27 applicable cases.

In 5 of the 17 cases for which this item was rated as a Strength, the rating was assigned because CPS removed the children on an emergency basis when the parents could not be located. The other cases were rated as a Strength for this item because family service needs were assessed at the time of the report and parents were referred for a variety of services including substance abuse treatment, mental health, employment, anger management, domestic violence, housing, and public assistance services. Although referrals for parenting education services occurred frequently in the Sioux Falls site, there were no referrals for parenting education services in either of the two rural sites. It is not clear whether this was due to a lack of availability of parenting education services in those sites

For the 10 cases for which this item was rated as an Area Needing Improvement, the following problems were identified:

- The services provided to the families during the period under review were not sufficient to prevent additional maltreatment reports during that period. Reviewers noted that although parents were referred for services, there was little follow up on the part of CPS to determine whether they actually participated in the services. (3 cases)
- Services were offered, but when families refused to participate in services, the cases were closed without assessing the continued risk to the children. (2 cases)
- The parents' service needs were not appropriately addressed. (3 cases)
- Services were not offered or provided to the family until after the child was removed. (2 cases)

Few stakeholders commented directly on this issue. Five stakeholders expressed the opinion that the new IFA will enhance the ability of CPS to protect children while they remain in their homes.

Determination and Discussion: This item was assigned an overall rating of Area Needing Improvement primarily because in more than one-third of the cases, a determination was made that CPS had not made diligent efforts to prevent removal and keep children safe in their homes. There was an indication in the Statewide Assessment that this problem may be attributed to a lack of available services rather than a failure on the part of CPS to refer families or engage families in services. However, the case record reviews suggest that the problem also may be attributed to a lack of CPS follow up once a family is referred for services. Several stakeholders noted that the excessive caseload sizes of many caseworkers hampers their efforts to follow up with many families.

According to the Statewide Assessment, the State expects that the new IFA approach, which has a strong service component, will assist caseworkers in determining for each case whether intervention is needed and what level of intervention is appropriate. This will promote improved practice with respect to protecting children while they are in their homes and preventing foster care placement.

Item 4. Risk of harm to child

____ Strength __X__ Area Needing Improvement

Review Findings: All 50 case records reviewed were applicable for an assessment of risk of harm to child. The assessment required reviewers to determine whether the agency had made, or was making, diligent efforts to reduce the risk of harm to the children involved in each case. The assessment resulted in the following findings:

- Item 4 was rated as a Strength in 40 (80%) of the 50 cases.
- Item 4 was rated as an Area Needing Improvement in 10 (20%) of the 50 cases.

Cases were rated as a Strength for this item based on the following:

- In 21 (52.5%) of the 40 cases for which item 4 was rated as a Strength, the risk of harm to the child was noted to be appropriately addressed by removing the child from the home.
- In 19 (47.5%) of the cases rated as a Strength for this item, reviewers indicated that risk of harm was appropriately assessed and services were provided to parents to reduce risk. These services included anger management, substance abuse treatment, parenting classes, and mental health treatment.

Cases were rated as an Area Needing Improvement for this item when there was a lack of information in the case record pertaining to risk assessment, no indication of agency efforts to provide services to reduce risk, and/or no efforts on the part of the agency to reassess risk when parents refused to participate in recommended services. Examples of these cases are similar to those rated as Area Needing Improvement for item 3 and include the following: (1) cases in which maltreatment reports continued to be made on an open case; (2) cases in which the case was closed, but there was no indication that risk had been reduced; and (3) cases in which no services were provided to the families.

Of the 20 stakeholders and focus group participants commenting on this issue, a few suggested that CPS was adequately addressing safety concerns and reducing risk to children. For example, some foster parents noted that risk was usually addressed by requiring supervised visits between parents and children in foster care. Most of these stakeholders, however, expressed concern about whether diligent efforts were made to reduce the risk of harm to children, particularly prior to reunification. Many stakeholders reported that children were being reunified with parents when there was no evidence of any behavior change on the part of parents, when parents had not completed a recommended treatment program, and/or when there were no services in place for the family after reunification. There was general agreement among these stakeholders that CPS needed to do a better job assessing risk prior to reunification, and assessing service availability based on identified potential risks.

Determination and Discussion. This item was assigned an overall rating of Area Needing Improvement primarily because in 20 percent of the cases, the determination was that CPS had not made diligent efforts to reduce the risk of harm to children. In addition, there was no mention in the case records of a standard agency-wide risk assessment instrument that was used by the agency to determine either risk or the services necessary to reduce risk. According to the Statewide Assessment, CPS expects that its capacity to reduce risk of harm to children will improve with the implementation of the IFA, which includes a comprehensive component for assessing risk and will provide caseworkers with a standard decision-making tool.

II. PERMANENCY

Permanency Outcome P1: Children have permanency and stability in their living situations.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Team 1 Sioux Falls	Team 2 Brookings	Team 3 Chamberlain	Total Number	Total Percentage
Substantially Achieved:	12	11	7	30	78.9
Partially Achieved:	2	0	5	7	18.4
Not Achieved or Addressed:	1	0	0	1	2.6
Not Applicable:	5	4	3	12	
Conformity of Statewide data indicators with national standards:					
	National Standard	State's Percentage	Meets Standard	Does Not Meet Standard	
Foster care re-entries	8.6	14.2		X	
Length of time to achieve reunification	76.2	81.0	X		
Length of time to achieve adoption	32.0	60.91	X		
Stability of foster care placements	86.7	84.86		X	
Length of stay in foster care*		10.55 months			

*Not used to determine substantial conformity.

STATUS OF PERMANENCY OUTCOME P1:

South Dakota did not achieve substantial conformity with Permanency Outcome 1. This determination was based on the following:

- Only 78.9 percent of the case records were rated as having substantially achieved Permanency Outcome 1, which is less than the 90 percent required for an overall rating of substantial conformity.
- The State did not meet the national standards for the incidence of foster care re-entries or for the stability of placements.
(However, the State did meet national standards for the percentage of reunifications occurring within 12 months of removal of the child from the home and for the percentage of adoptions occurring within 24 months of removal.)

Findings pertaining to the specific items assessed under Permanency Outcome 1 are presented and discussed below.

Item 5. Foster care re-entries

____ Strength __X__ Area Needing Improvement

Review Findings: Thirty-eight (76%) of the 50 case records were applicable to an assessment of foster care re-entries because they involved children who were in foster care at some point during the period under review. In assessing item 5, reviewers were to determine whether children entered foster care more than once during the period under review. The results were the following:

- Item 5 was rated as a Strength for 34 (89%) of the 38 applicable cases.
- Item 5 was rated as an Area Needing Improvement for 4 (11%) of the 38 applicable cases.

Although item 5 was rated as a Strength in 34 cases, in 25 (73.5%) of these 34 cases, the child had entered foster care prior to the period under review and had remained in care throughout the entire review period. Consequently, for these children, there was no opportunity for a foster care re-entry to occur. In addition, in 9 (26%) of the 34 cases for which item 5 was rated as a strength, there had been repeat foster care entries prior to the period under review. In four of these cases, the children experienced three entries prior to the period under review.

For the four cases for which item 5 was rated as an Area Needing Improvement, the children were reunified during the period under review and then re-entered care during that period either because of a substantiated or indicated maltreatment report or because a parent had requested the child's removal from home and placement in care. In two cases, the children entered care three times during the period under review.

Most of the 16 stakeholders and focus group participants commenting on this issue expressed concern about the number of re-entries into foster care in the State, although a few expressed the opinion that foster care re-entry was not a problem. Those stakeholders expressing concern attributed re-entries to children being reunified too early before a family's problems are adequately resolved. This is consistent with stakeholders' concerns noted under item 4 about the potential risk of harm to children when reunifications occur without adequate risk assessments or assessments of service availability. Three stakeholders attributed the incidence of re-entries to "quick permanencies" (e.g., no later than 12 months to reunification), particularly in situations in which parents have substance abuse and/or mental health problems.

Determination and Discussion: Item 5 was assigned an overall rating of Area Needing Improvement based primarily on the following:

- The State incidence of foster care re-entry (14.2%) did not meet the national standard of 8.6 percent.
- The case review incidence of re-entry into foster care was (11%).
- Although there were no foster care re-entries for 89 percent of the cases reviewed, almost three-fourths of these cases involved children who were in foster care or another permanent placement during the entire period under review. Therefore, for these children, there was no opportunity for a re-entry to occur.
- The Statewide Assessment indicated that the majority of South Dakota offices do not meet the national standard for foster care re-entries and that the issue of foster care re-entry will be a major focus of the agency in planning program improvement.

The Statewide Assessment noted that CPS expects the IFA model to result in a decrease in the incidence of foster care re-entry by improving the assessment that occurs at the time of placement, particularly with respect to the foreseeable threat of harm to children when in the custody of their biological parents.

Item 6. Stability of foster care placement

☐ Strength ☒ Area Needing Improvement

Review Findings: All thirty-eight foster care cases were applicable for an assessment of item 6. Reviewers were to determine whether the child experienced placement changes during a single foster care episode and, if so, whether the placement changes were necessary to achieving the child's permanency goal or to meeting the child's service needs. The findings of this assessment were the following:

- Item 6 was rated as a Strength in 31 (82%) of the 38 applicable cases.
- Item 6 was rated as an Area Needing Improvement in 7 (18%) of the 38 applicable cases.

In cases in which item 6 was rated as a Strength, children either did not change placements or, when placement changes occurred, the change was determined to be in the child's best interest. Some examples from the case records are the following:

- A child moved from a foster care home to a treatment facility to meet mental health needs and then back to the foster care home after treatment.
- A child moved from a foster care home to a relative home when relatives were seeking legal guardianship.
- A child moved from one foster home to another in order to be closer to the biological parents to promote visitation and eventual reunification.

In the 7 cases for which item 6 was rated as an Area Needing Improvement, the placement changes did not appear to either promote attainment of the child's permanency plan or to be necessary to meet the child's needs.

Stakeholders provided mixed opinions regarding placement stability. Six stakeholders indicated that there is stability in foster care placements, while nine had the opposite view. Foster parents participating in the focus groups suggested that placement stability is not consistent for all children. Some children have a great deal of stability, while others have multiple moves. Some stakeholders attributed the problem of multiple moves to the fact that children are placed where there is an available bed and no matching is done because there are not enough foster homes.

Determination and Discussion: Item 6 was assigned an overall rating of Area Needing Improvement primarily because the State did not meet the national standard for placement stability, although it did come close to meeting this standard. As noted in the Statewide Assessment, one factor that impacts placement stability is the difficulty of appropriately matching the needs of a child with the strengths of a foster family when the availability of foster homes is limited. This concern was echoed by many stakeholders. According to the Statewide Assessment, CPS expects that the statewide implementation of the IFA model may resolve some of the multiple placement issues because it will provide a more comprehensive assessment of the needs of the child and thus a more accurate basis for matching. However, it was acknowledged that more foster homes are necessary to make this effective.

Item 7. Permanency goal for child

☒ **X** Strength ☐ Area Needing Improvement

Review Findings: In assessing item 7 for the 38 applicable case records, reviewers were to determine whether the agency had (1) established a permanency goal for the child and, (2) implemented diligent efforts to attain that goal. The results of this assessment were the following:

- Item 7 was rated as a Strength for 29 (76%) of the 38 applicable records.
- Item 7 was rated as an Area Needing Improvement for 9 (24%) of the 38 applicable records.

Case record reviews indicated that permanency goals had been established for all children in the 38 foster care cases. For these children, 9 had a goal of adoption, 16 had a goal of reunification, 8 had a goal of guardianship, and 5 had a goal of long-term foster care or eventual emancipation. Permanency goals had been achieved for children in 26 (68%) of the 38 cases.

For those cases in which item 7 was rated as a Strength, reviewers determined that CPS had established appropriate permanency goals for the child and made diligent efforts to achieve goals. When goals were achieved, reviewers noted that this had happened in a timely manner.

For the nine cases for which item 7 was rated as an Area Needing Improvement, the following problems were identified:

- Children had permanency goals that did not seem appropriate for their age or time in care. (2 cases)
- Children were not receiving the mental health services they needed to achieve their permanency goals. (2 cases)
- Children were in care for excessive time periods without sufficient efforts being made to achieve permanency goals. (5 cases)

At least 12 stakeholders commenting on this issue expressed the belief that CPS is doing a good job moving children to permanency. A number of stakeholders suggested that CPS's success in achieving permanency for children may be attributed in part to the existence of a subsidized guardianship program. Because tribal courts often do not want to terminate parental rights but will approve guardianships, this option has been a viable alternative for many children.

Two stakeholders expressed concern that there are too many children with the goal of Long Term Foster Care who should not have that goal. One judge who was interviewed noted that he will not approve termination of parental rights if a child is 11 years of age or older and instead will assign Long Term Foster Care as the case goal.

Determination and Discussion: Item 7 was assigned an overall rating of Strength based on the following:

- 76 percent of the cases were rated as a Strength for this item.
- The State met the national standard for reunifications within 12 months of removal.
- The State met the national standards for adoptions within 24 months of removal.

According to the Statewide Assessment, the agency makes diligent efforts to ensure that all children in foster care have a permanency plan developed shortly after they enter care. The State's Permanency Planning Review Team begins reviewing every child in out of

home care at 6 months of care and every 6 months thereafter. Part of the agency's success in achieving permanency for children was attributed in the Statewide Assessment to the subsidized guardianship program that the agency has had since 1983. This is consistent with stakeholders' comments on this issue. Although the State permits a guardianship with or without subsidy, the ability to provide funds to guardians has been an incentive for them to assume legal guardianship. This has been particularly relevant in situations in which relatives assume guardianship over large siblings groups. The agency currently has 50 children in subsidized guardianship.

Item 8. Independent living services

☐ Strength ☒ Area Needing Improvement

Review Findings: Item 8 was assessed for the 4 cases involving children in foster care who were age 16 or older during the period under review. Reviewers were to determine whether these children were adequately prepared for independent living in the event that they are emancipated from foster care at age 18. The assessment of the applicable cases produced the following findings.

- Item 8 was rated as a Strength in 2 (50%) of the 4 cases.
- Item 8 was rated as an Area Needing Improvement in 2 (50%) of the 4 cases.

In both of the cases for which Item 8 was rated as an Area Needing Improvement there was no evidence of an independent living plan in the case record or of the provision of independent living services.

Determination and Discussion: Item 8 was assigned an overall rating of Area Needing Improvement. Although the Statewide Assessment describes a comprehensive Independent Living Program, substantial evidence of the existence of this program was not evident from the case record reviews.

Item 9. Adoption

☐ Strength ☒ Area Needing Improvement

Review Findings: Eleven of the 38 foster care cases were assessed for item 9 (two cases which eventually ended as legal guardianships were assessed under this item because adoption had at one time been the plan). In assessing this item, reviewers were to determine whether appropriate and timely efforts had been undertaken to achieve finalized adoptions. This determination resulted in the following findings:

- Item 9 was rated as a Strength for 7 (64%) of the 11 applicable cases.

- Item 9 was rated as an Area Needing Improvement for 4 (36%) of the 11 applicable cases.

In all 7 of the cases for which adoption was rated as a Strength, either termination of parental rights (TPR) had been obtained for the children or was expected to be finalized shortly. In addition, two of the seven children were already in adoptive placements and three children had a finalized adoption. Delays for two children in attaining TPR were attributed to the legal system or to meeting the requirements of the Interstate Compact on Placement of Children (ICPC). Two children experienced a delay in attaining their goal of adoption when they were moved from their adoptive placements to residential treatment facilities as a result of behavioral problems. The goal was to provide treatment and then return the children to their adoptive placements.

For the 4 cases for which item 9 was rated as an Area Needing Improvement, the identified problems were (1) disruptions of adoptive placements because children's mental health needs were not adequately addressed, and (2) a delay in requesting a home study on a relative who wanted to adopt in a ICPC case.

Although there were three stakeholders who suggested that CPS and the courts are doing a good job meeting ASFA timeframes, most stakeholders expressed concerns about delays in adoptive placements and finalized adoptions. They attributed these delays to the following:

- Tribal courts do not follow ASFA timelines for seeking TPR (ICWA provisions take precedence).
- There is a delay in obtaining TPR on fathers when the mother has already relinquished.
- There is no formal CPS concurrent planning process, although concurrent planning may take place informally.
- It is court policy that a search cannot be made for an adoptive family and an adoptive placement cannot be made until TPR is completed.

Determination and Discussion: Item 9 was assigned an overall rating of Area Needing Improvement based on the finding that more than one-third of the cases involving children with adoption as a goal were rated as an Area Needing Improvement. Although South Dakota far exceeded the national standard pertaining to the percent of adoptions occurring within 24 months of the time of removal, information in the Statewide Assessment suggests that this statistic may be misleading. As noted in the Statewide Assessment, in the State information systems (both FACIS and the legacy system), children are discharged from foster care to adoption when the child is placed in an adoptive home or the child is in adoptive status with her or his foster family. This is not actually an exit to a finalized adoption because finalization has not taken place. However, it is reported to AFCARS as a discharge and therefore is interpreted by AFCARS as a finalized adoption, in accordance with the AFCARS discharge definitions. Because the required time between placement and finalization in South Dakota is 6 months, and some finalizations may take longer due to legal proceedings, the statistics

reported in the State Data Profile regarding the time to a finalized adoption may not be accurate. The Statewide Assessment indicated that the State plans to examine these data in their AFCARS 2000 data submissions.

Item 10. Permanency goal of other planned permanent living arrangement

☒ Strength ☐ Area Needing Improvement

Review Findings: An assessment of item 10 was applicable for 7 of the 38 foster care cases. The item was rated as a strength for all cases. For 5 of the cases in which children had a permanency goal of Long Term Foster Care, this goal was selected because the children were judged to be unable to reside in a family setting due to behavior problems. In one case, the child is 16 and is working toward independent living with a great deal of assistance from the agency and private providers. In another case, the agency is delaying TPR for an immigrant mother who has physical and mental health concerns. Although they have established Long Term Foster Care as the official permanency goal, the case record indicates that they still hope to reunify the child with the parent if the services provided adequately address her physical and mental health problems.

Determination and Discussion: Item 10 was assigned an overall rating of Strength because all cases reviewed were assessed as a Strength for this area. Although only 7 cases in the case record review were applicable for this assessment, the Statewide Assessment reported that in SFY 2001, 26.6 percent of the children in foster care longer than 12 months have a goal of Long Term Foster Care. This represents a 10 percent increase over the data presented in the State Data Profile for FFY 1999. Although the Statewide Assessment suggested that these children are older teens who have chosen not to be adopted or have disrupted from an adoptive placement, at least two stakeholders indicated that Long Term Foster Care is frequently established as a goal for children who are 11 and 12 years old, and one judge interviewed acknowledged that he will establish Long Term Foster Care as a goal rather than try to obtain a TPR if a child is at least 11 years old.

Permanency Outcome P2: The continuity of family relationships and connections is preserved for children.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Team 1 Sioux Falls	Team 2 Brookings	Team 3 Chamberlain	Total Number	Total Percentage
Substantially Achieved:	13	11	9	33	86.8
Partially Achieved:	2	0	2	4	10.5

Not Achieved or Addressed:	0	0	1	1	2.6
Not Applicable:	5	4	3	12	

STATUS OF PERMANENCY OUTCOME 2:

South Dakota did not achieve substantial conformity with Permanency Outcome 2. This determination was based on the finding that the outcome was rated as substantially achieved in 86.8 percent of the cases, which is less than the 90 percent required for a determination of substantial conformity. The primary problem encountered concerned preserving connections for children in foster care, particularly Native American children placed with non-Native American families.

Findings pertaining to the specific items assessed under Permanency Outcome 2 are presented and discussed below.

Item 11. Proximity of foster care placement

 X Strength Area Needing Improvement

Review Findings: Of the 38 foster care cases, 36 were applicable for an assessment of item 11. Not applicable cases were those in which placement near parents was determined to be “not in child’s best interest.” In assessing item 11, reviewers were to determine whether the child had been placed in a foster care setting that was in close proximity to the child's parents or close relatives. The results of this assessment were the following:

- Item 11 was rated as a Strength for 35 (97%) of the 36 applicable cases.
- Item 11 was rated as an Area Needing Improvement for 1 (3%) of the 36 applicable cases.

In 20 (55%) of the 35 cases for which item 11 was rated as a strength, children were placed in the same community or county as their parents or close relatives. In 15 of the 16 cases in which placement was out of county or out of State, the placement was considered necessary for the child. Out of county and out of State placements were made in situations in which it was necessary to obtain specialized treatment for the child or to place the child with a relative who had applied for legal guardianship or adoption. Only one stakeholder commented on this issue, suggesting that the shortage of foster homes, particularly therapeutic foster homes, made it difficult for the agency to ensure placement of a child in close proximity to parents or relatives.

Determination and Discussion: This item was assigned an overall rating of Strength because of the high percentage of case records assigned this rating. The rating is consistent with information in the Statewide Assessment indicating that caseworkers make diligent efforts to place children in close proximity to parents and in the least restrictive settings.

Item 12. Placement with siblings

☒ Strength ☐ Area Needing Improvement

Review Findings: Twenty-four of the 38 foster care cases involved children who had siblings that were also in foster care. In assessing item 12, reviewers were to determine whether siblings were, or had been, placed together and if not, whether separation was necessary to meet the needs of one or more of the children. This assessment resulted in the following:

- Item 12 was rated as a Strength in 22 (92%) of the 24 applicable cases.
- Item 12 was rated as an Area Needing Improvement in 2 (8%) of the 24 applicable cases.

For the 22 cases for which item 12 was rated as a Strength, there were 14 in which siblings were placed together and 8 in which they were separated but the separation was determined to be in the children's best interest. The primary reason for separation of siblings was so that one could receive mental health treatment services in a residential setting. A less frequent reason (2 cases) for separation was that one sibling was a potential threat to the safety of the other siblings. The two cases for which this item was rated as an Area Needing Improvement involved separations of siblings that reviewers did not believe were justified.

Only three stakeholders commented on this issue, with one expressing the opinion that CPS places siblings together if at all possible, and two suggesting that siblings are frequently separated because there are not enough foster homes that will take sibling groups.

Determination and Discussion: Item 12 was assigned an overall rating of Strength because in almost all cases siblings were either placed together or the reason for separation was determined to be valid. The findings of the case record review were consistent with agency policy, as noted in the Statewide Assessment. This policy requires staff to place siblings together unless a child's behavior would be severely detrimental to his or her sibling or if there are no placement resources that are able or willing to take the sibling group. The Statewide assessment also indicated that the agency has access to several therapists in the State who are adept at sibling evaluations and whose evaluations are used in making long-term decisions regarding sibling placements.

Item 13. Visiting with parents and siblings in foster care

 X Strength Area Needing Improvement

Review Findings: There were 29 cases for which an assessment of item 13 was applicable. Cases were not applicable if the child had no siblings in foster care and parents could not be located. In assessing this item, reviewers were to determine (1) whether the agency made appropriate efforts to facilitate visitation between the child in foster care and his or her parents and other siblings who were also in foster care and (2) whether these visits took place on at least a monthly basis whenever possible. The findings of this determination were the following:

- Item 13 was rated as a Strength in 25 (86%) of the 29 applicable cases.
- Item 13 was rated as an Area Needing Improvement in 4 (14%) of the 29 applicable cases.

In all cases rated as a Strength, reviewers indicated that caseworkers had made diligent efforts to facilitate visitation, even in situations in which parents were not cooperative. In some instances, workers made transportation arrangements or transported parents or children themselves. Foster parents also were found to facilitate visitation, either by serving as monitors or transporting children to visit with siblings or parents. In cases that involved an incarcerated or hospitalized parent or sibling, efforts were made to assist the children in maintaining contact by telephone or through letters.

In those cases in which item 14 was rated as an Area Needing Improvement, visitation took place on less than a monthly basis, and reviewers determined that the agency made insufficient efforts to promote more frequent visitation.

Eleven stakeholders and the foster parents participating in focus groups addressed the issue of visitation. Five of these stakeholders noted that the State has access to family visitation centers in some areas and that these provide optimum environments for visitations. However, three stakeholders and most foster parents indicated that most visits take place in the agency's office.

Determination and Discussion: Item 13 was assigned an overall rating of Strength based on the large percentage of individual cases in which the agency was determined to have made diligent efforts to ensure that visitation was appropriate and frequent. Consistent with stakeholder comments, the Statewide Assessment noted that the agency promotes visitation through a contract with special visitation centers in some regions of the State. These centers are designed to facilitate parent-child contacts while ensuring the child's safety.

Item 14. Preserving connections

____ Strength __X__ Area Needing Improvement

Review Findings: Item 14 was applicable for assessment in 37 of the 38 foster care cases. For this item, reviewers were to determine whether the child's connections to neighborhood, community, culture, family, faith, and friends were preserved while in foster care. The following findings resulted from this assessment:

- Item 14 was rated as a Strength in 27 (73%) of the 37 applicable cases.
- Item 14 was rated as an Area Needing Improvement in 10 (27%) of the 37 applicable cases.

In 27 cases, reviewers determined that efforts were made to preserve the connections with family, community, and culture. For most of these cases, the children were of Native American heritage, and efforts were made to ensure that those children were in placements that would support this heritage. In three cases, foster parents who were not Native American facilitated their foster children's attendance at Native American cultural events. Some non-Native American foster parents took their foster children to Pow Wows and to worship in Native churches, if that was the wish of the child's family.

For 8 of the 10 cases for which item 14 was rated as an Area Needing Improvement, the placement of a Native American child was judged to be not adequate to preserve that child's connection with his or her Native American heritage. Some of the observed concerns were the following:

- In one case, the child had 10 placements, only one of which was with a Native American family.
- In five cases, children were placed in non-Native American foster homes and foster parents indicated that they did not engage in activities designed to link the children with their cultural heritage. In one case, the child was described as being half Native American and half Caucasian and the foster family was concerned that too much emphasis was being placed on the Native culture rather than on the father's German/Lutheran background.
- In two cases, the child was adopted by, or was in an adoptive placement with, a non-Native American family, and there was no indication from the family that they planned to maintain the children's connection to their culture.

Twenty stakeholders and focus group participants commented on this issue, focusing specifically on the issue of Native American children placed with non-Native American families or in residential placements that do not support their culture. About 50 percent of these stakeholders suggested that connections are not being routinely preserved, while the other 50 percent expressed the opinion that CPS makes concerted efforts to ensure that connections are maintained.

No stakeholders suggested that CPS did not meet ICWA requirements with respect to notifying a Tribe whenever a child entering foster care was found to be a member of that tribe, or with respect to asking about a child's possible tribal enrollment at the time the child entered care. However, stakeholders from the Tribes indicated that the Tribes are frustrated when children/youth need to be placed away from the tribe. When children are adopted by non-Native families, both Tribal and State courts address culture and traditions and require adoptive families to agree to maintain those traditions before they will approve the adoption. Tribal stakeholders noted that children still have status as Tribal members even after adoption occurs.

Determination and Discussion: Item 14 was assigned an overall rating of Area Needing Improvement because in 27 percent of the cases, the reviewer determined that the issue of maintaining connections with the child's cultural heritage had not been, or was not being, sufficiently addressed. This is an important issue in South Dakota because, as noted in the Statewide Assessment, 65 percent of the children in foster care in South Dakota are of Native American heritage. According to the Statewide Assessment, CPS has made and continues to make multiple efforts to address the issue of cultural connections through a variety of activities, including the following:

- Recruiting more Native American foster parents.
- Emphasizing cultural connections in the foster parent training curriculum.
- Providing agency staff with training in the Indian Child Welfare Act (ICWA) and requiring caseworkers to comply with ICWA requirements.
- Requiring caseworkers to attend cultural awareness training as part of the certification program.

Item 15. Relative placement

☒ Strength ☐ Area Needing Improvement

Review Findings: Of the 38 foster care cases, 37 were applicable for an assessment of item 15. In assessing this item, reviewers were to determine whether the agency had made efforts to locate and assess relatives as potential placement resources for children entering foster care. The results of this assessment were the following:

- Item 15 was rated as a Strength for 35 (95%) of the 37 applicable cases.
- Item 15 was rated as an Area Needing Improvement for 2 (5%) of the 37 applicable case.

Reviewers determined that in almost all cases, relatives had been sought as placement resources. Relatives had (1) adopted, or were in the process of adopting, the children; (2) assumed legal guardianship over children; and/or (3) were a resource for placement of large sibling groups. In one case rated as an Area Needing Improvement, the mother requested that the child not be placed with relatives

because they lived far away from where she lived and she wanted the child to be close by. The reviewer determined that the worker's decision to not place the child with relatives was out of compliance with State policy.

All 12 of the stakeholders that addressed this issue expressed the opinion that CPS does a good job of seeking relatives as potential placement resources and that this is done in a timely manner.

Determination and Discussion: Item 15 was assigned an overall rating of Strength based on the fact that reviewers provided this rating in 95 percent of the cases. The Statewide Assessment noted that the agency's success in achieving relative placements may be attributed to the following factors:

- The agency requires staff to complete a Family Fact Sheet within 60 days of placement. The Family Fact Sheet presents information on all family members and documents staff efforts to locate those family members.
- Relatives who appear to be appropriate placement resources and are interested in taking the children are assigned to have a home study completed prior to placement. The home study must be completed within 60 days of the request.
- There is a subsidized guardianship program for relatives, which the agency has had in place since 1983. CPS currently has 50 children in subsidized guardianship.

Item 16. Relationship of child in care with parents

☒ Strength ☐ Area Needing Improvement

Review Findings: Twenty-four of the 38 foster care cases were applicable for an assessment of item 16. The item was not applicable for 26 cases because the parents of these children had their parental rights terminated either voluntarily or by court order. In assessing this item, reviewers were to determine whether the agency had made efforts to support the development or maintenance of a bond between the child and both of his or her parents through visitation and provision of services that promote bonding. The findings of this assessment were as follows:

- Item 16 was rated as a strength for 22 (92%) of the 24 applicable cases.
- Item 16 was rated as an Area Needing Improvement for 2 (8%) of the 24 applicable cases.

This item was rated as a Strength when there were frequent visits between parents and children as well as other forms of contact between visits, and/or when there was evidence in the case records of agency efforts to facilitate frequent visitation. However, even in seven of the cases in which this item was rated as a Strength, it was noted that the agency's efforts to promote bonding with parents

had been directed primarily to the custodial parent, with little attention given to children's relationships with non-custodial parents even when those parents were involved in the children's lives.

No stakeholders commented on this issue.

Determination and Discussion: Item 16 was assigned an overall rating of Strength based on the case record ratings. However, the review findings suggest that children's relationships with non-custodial parents are not being sufficiently addressed

III. CHILD AND FAMILY WELL-BEING

Child and Family Well-Being Outcome WB1: Families have enhanced capacity to provide for their children's needs.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Team 1 Sioux Falls	Team 2 Brookings	Team 3 Chamberlain	Total Number	Total Percentage
Substantially Achieved:	11	12	8	31	62.0
Partially Achieved:	8	3	1	12	24.0
Not Achieved or Addressed:	1	0	6	7	14.0
Not Applicable:	0	0	0	0	

STATUS OF WELL-BEING OUTCOME 1:

South Dakota did not achieve substantial conformity with Well-Being Outcome 1. This determination was based on the finding that this outcome was rated as substantially achieved for only 62 percent of the cases reviewed. This is less than the 90 percent required for a determination of substantial conformity.

Findings pertaining to the specific items assessed under Well-Being Outcome 1 are presented and discussed below.

Item 17. Needs and services of child, parents, foster parents

___ Strength __X__ Area Needing Improvement

Review Findings: An assessment of item 17 was applicable for all 50 cases. In assessing the item, reviewers were to determine whether the agency had (1) adequately assessed the needs of children, parents, and foster parents, and (2) provided the services necessary to meet those needs. The results were the following:

- Item 17 was rated as a Strength in 29 (58%) of the 50 cases.
- Item 17 was rated as an Area Needing Improvement in 21 (42%) of the 50 cases.

For cases in which item 17 was rated as a Strength, reviewers noted that needs were assessed in a timely manner and referrals for services were appropriate and timely. Parents were most frequently referred for substance abuse treatment, mental health, anger management, domestic violence, employment, housing, and public assistance services. Parents in Sioux Falls were routinely referred to parenting classes, but referrals for this service were not noted in the other sites. Services to children included medical assessments, mental health assessments and services (ranging from counseling to residential treatment, special education services, and tutoring. Services to foster parents primarily involved respite care and counseling related to a foster child's behavioral problems.

For the 21 cases in which item 17 was rated as an Area Needing Improvement, the following problems were identified:

- Lack of assessment of foster parent needs and provision of appropriate services (3 cases).
- Lack of assessment of children's needs in in-home cases (6 cases).
- Not offering what the reviewer perceived as critical services, such as parenting education services or community-based family support services (5 cases).
- Lack of service to biological parents in foster care cases (5 cases).
- Failure to provide services to children that were recommended by the assessments (3 cases).
- Failure to address parents' drug and alcohol issues before closing cases (3 cases).

Fifteen stakeholders and focus group participants commented on the issue of needs assessment and service provision. For the most part, stakeholders outside of CPS did not perceived needs assessment and service provision as problematic. However, stakeholders within the system noted the following key problems, which are consistent with case review findings.

- For in-home cases, workers tend to focus on parents and lose sight of children's service needs.
- Workers refer parents for services but, because of excessive caseloads, they do not have time to monitor service delivery or do intensive work with children and families.
- Transportation to services is a major problem for parents, children, and foster parents. Workers' caseloads are too large to provide the necessary transportation, although many try.

Determination and Discussion: Item 17 was assigned an overall rating of Area Needing Improvement because only slightly more than half of the individual cases were rated as a Strength for this item. The primary problem identified was the lack of sufficient attention paid to the service needs of children in in-home cases and the service needs of biological parents in foster care cases. Although the Statewide Assessment described a range of services to children in custody and noted that foster parents receive specialized training related to the needs of the children, there was little discussion of needs assessment or provision of services to children in in-home cases. Additional information regarding services and service availability is provided in the discussion of item 35

Item 18. Child and family involvement in case planning

____ Strength __X__ Area Needing Improvement

Review Findings: An assessment of item 18 was applicable for 47 of the 50 cases. For the 3 cases for which this assessment was not applicable, the children were taken into custody shortly after birth and the mothers had disappeared. In assessing this item, reviewers were to determine whether parents (or other primary caretakers) and children (of appropriate age) had been involved in the case planning process. This assessment produced the following findings:

- Item 18 was rated as a Strength in 30 (64%) of the 47 applicable cases.
- Item 18 was rated as an Area Needing Improvement in 17 (36%) of the 47 applicable cases.

This item was rated as a Strength in cases in which there were indications (either in the case records or from interviews with parents and children) that parents and children (when appropriate) had been involved in case plan development. These indications included: (1) discussions between workers and parents to gather information for the plan, (2) evidence of changes in the plan based on parent and/or child feedback, and (3) worker contacts with parents for the explicit purpose of discussing the plan before it was finalized. Reviewers also noted that in these cases, case plans tended to be based on the results of child and family assessments.

The item was rated as an Area Needing Improvement when (1) reviewers found no indications in the case records or in interviews that parents had input into the development of the case plan, (2) case plans were missing from the case record, and (3) case plans were in the records, but had not been signed by the parents. The most common problem identified was that case plans had been prepared by workers and then submitted to parents for their signature, with parents having little or no input into their content.

Stakeholders varied in their perceptions of parent involvement in case planning. Foster parents suggested that they often have input into case planning, but that their involvement depends on how assertive they are rather than on any systematic policy on the part of CPS. CPS personnel indicated that there is no formal process for involving families in the case plan and workers are not consistent in

this regard. Although the perception of some stakeholders was that workers are encouraged to discuss the plan with the family, many acknowledged that most workers develop the case plans and then present them to the families for review and signature.

Determination and Discussion: Item 18 was assigned an overall rating of Area Needing Improvement based on the finding that in more than one-third of the cases reviewed, parents and/or children were not involved in the case plan development process. According to the Statewide Assessment, the agency uses a form called a Family Services Agreement (case plan) that incorporates input from the parent, guardian, or caretaker from whom the child was removed into the development of the case plan. This Family Service Agreement must be completed within 30 days of the "decision to provide services." However, case records and stakeholder interviews indicate that the involvement of parents does not seem to be a requirement under State policy and that CPS personnel and other stakeholders are not aware of any formal process for involving parents in case plan development.

Item 19. Worker visits with child

☐ Strength ☒ Area Needing Improvement

Review Findings: All 50 cases were applicable for an assessment of item 19. In conducting this assessment, reviewers were to determine whether the frequency of visits between the worker and the child met CPS requirements and were sufficiently frequent to ensure adequate monitoring of the child's safety and well-being. The results of this assessment were the following:

- Item 19 was rated as a Strength for 34 (68%) of the 50 cases.
- Item 19 was rated as an Area Needing Improvement for 16 (32%) of the 50 cases.

In cases in which item 19 was rated as a Strength, reviewers found that worker visits with children were in accordance with agency requirements. Workers conducted regular visits with children on at least a monthly basis, and weekly at the beginning of the case. Visits occurred more frequently in in-home cases than in foster care cases. In two cases, the caseworkers appeared to be very involved with the children and attended their ball games and transported them to Pow Wows and other cultural events.

The primary reasons for rating cases as Area Needing Improvement were (1) the caseworker had not made arrangements for children who were in placement in another region or State to be visited once every month by the South Dakota staff, or someone from a local or State agency where the child is placed; and (2) the caseworker (in in-home cases) had been discouraged by parents from contacting the children, and acquiesced to the parent's demands rather than attempting to see children in settings in which parents were not present.

Foster parent focus group participants generally described caseworkers as visiting frequently and within agency guidelines. They also noted that workers visit more often if the foster parent is having difficulty with a child. However, some stakeholders noted that there are a few workers who do not make regular visits, citing situations in which a worker visited a foster care child twice in 6 months and another case in which a visit occurred only once in 12 months.

Determination and Discussion: Item 19 was assigned an overall rating of Area Needing Improvement based on the finding that in almost one-third of the case records reviewed, workers did not visit children in accordance with State requirements. This finding is not consistent with information reported in the Statewide Assessment. According to the Statewide Assessment, for foster care cases, caseworkers are expected to visit a child weekly the first 30 days of placement and at a minimum of every 30 days for the remainder of the placement. All social workers completed a survey at the time of the State Assessment concerning the frequency of their visits with children. The findings were that 66 social workers reported monthly contact with children, 13 reported contacts 2 times a month, and 34 indicated they have weekly contacts. However, as noted in the Statewide Assessment, the agency has limited access to hard data regarding the frequency of contact between caseworkers and children in their caseloads since contact dates and frequency are not tracked by either of the State's information systems. In addition, there is no agency policy regarding contacts between workers and children in in-home cases.

Item 20. Worker visits with parents

☒ Strength ☐ Area Needing Improvement

Review Findings: An assessment of item 20 was applicable for 35 of the 50 case records. Case records for which item 20 was not applicable included those in which parental rights had been terminated or the parents could not be located. Reviewers were to assess whether the caseworker had sufficient face-to-face contact with the parents to promote attainment of the child's permanency goal, and whether the frequency of these contacts met State policy, if the State had a policy governing this issue. The results of the assessment were the following:

- Item 20 was rated as a Strength for 28 (80%) of the 35 applicable cases.
- Item 20 was rated as an Area Needing Improvement for 7 (20%) of the 35 applicable cases.

In the 28 cases rated as a Strength, reviewers noted that workers made diligent efforts to maintain contacts with parents and to see them as often as possible. There are no State/agency guidelines governing contacts with parents.

Item 20 was rated as an Area Needing Improvement in cases in which the worker did not attempt to maintain contacts with the parents (4 cases), or contacts had been maintained with one parent but not the other (3 cases). In one case, there were two contacts with the mother over a 6-month period, although the permanency plan for the child was reunification.

Determination and Discussion: Item 20 was assigned an overall rating of Strength based on the finding that 80 percent of the individual cases had been rated as a Strength for this item. This is consistent with information reported in the Statewide Assessment regarding the amount of contact that workers typically have with parents. The results of a survey on this issue were that 13 workers reported having monthly contact with parents, 17 reported contact two times per month, and 60 workers reported that they have weekly contact with parents.

Child and Family Well-Being Outcome WB2: Children receive appropriate services to meet their educational needs.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Team 1 Sioux Falls	Team 2 Brookings	Team 3 Chamberlain	Total Number	Total Percentage
Substantially Achieved:	11	11	7	29	74.4
Partially Achieved:	5	0	0	5	12.8
Not Achieved or Addressed:	2	1	2	5	12.8
Not Applicable:	2	3	6	11	

STATUS OF WELL-BEING OUTCOME 2:

South Dakota did not achieve substantial conformity with Well-Being Outcome 2. This determination is based on the finding that only 74.4 percent of the applicable case records reviewed were rated as having substantially achieved this outcome, which is less than the 90 percent required for substantial conformity.

Findings specific to this outcome are presented below.

Item 21. Educational needs of the child

____ Strength __X__ Area Needing Improvement

Review Findings: An assessment of item 21 was applicable for 39 of the 50 case records reviewed. Cases that were not applicable were those in which the children were too young to be enrolled in school or that involved in-home cases in which the children did not have issues pertaining to educational needs. Reviewers were to determine for all applicable cases whether (1) educational needs had been assessed and, (2) services designed to meet those needs had been provided. Both elements were necessary for a rating of Strength. The results of the assessment were the following:

- Item 21 was rated as a Strength for 29 (74%) of the 39 applicable cases.
- Item 21 was rated as an Area Needing Improvement for 10 (26%) of the 39 applicable cases.

Item 21 was rated as a Strength in cases in which reviewers noted that educational needs were assessed and appropriate services provided. The services included special education, tutoring, and development of IEPs. In the foster care cases for which this item was rated as a Strength, foster parents reported receiving all necessary educational information on the children. Foster parents also reported being advocates for their foster children's educational needs and both foster parents and caseworkers were noted to attend IEP meetings.

Most (7) of the cases for which item 21 was rated as an Area Needing Improvement were in the Sioux Falls area. Some examples of identified concerns were the following: (1) foster parents were not given educational records or information about a child's educational history at the time of placement; (2) in in-home cases, children's school-related problems were not addressed although they were identified as an issue by someone involved in the case; and (3) educational needs were not included in the case plans for children in foster care or in in-home cases who had obvious education-related problems (such as being a grade level behind in school or poor school performance).

The 13 stakeholders commenting on this issue tended to describe the agency as having very positive relationships with the school system and as educational needs being met primarily by foster parents because workers do not have the time.

Determination and Discussion: Item 21 was assigned an overall rating of Area Needing Improvement based on the finding that the State did not substantially achieve well-being outcome 2, which involves an assessment of item 21 alone. However, although the case record reviewers identified concerns in the case records regarding meeting children's educational needs, information from stakeholders and from the Statewide Assessment suggests that the educational needs of children in foster care are of paramount concern to the agency and to foster parents. The Statewide Assessment noted that the educational status of children in agency custody is supposed to be assessed at an individual level by the social worker and supervisor. Individual educational needs are tracked through school contacts, attendance at IEP meetings, and status reports from residential facilities. Additionally, foster parents complete a monthly

report regarding their children in care that summarizes significant events in the child's educational setting. However, the case record review findings suggest that more attention may need to be given to this issue.

Child and Family Well-Being Outcome WB3: Children receive adequate services to meet their physical and mental health needs.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Team 1 Sioux Falls	Team 2 Brookings	Team 3 Chamberlain	Total Number	Total Percentage
Substantially Achieved:	9	11	10	30	65.2
Partially Achieved:	6	1	3	10	21.7
Not Achieved or Addressed:	3	2	1	6	13.0
Not Applicable:	2	1	1	4	

STATUS OF WELL-BEING OUTCOME 3:

South Dakota did not achieve substantial conformity with Well-Being Outcome 3. This determination was based on the finding that the outcome was rated as substantially achieved in only 65.2 percent of the cases reviewed, which is less than the 90 percent required for a determination of substantial conformity.

Findings pertaining to the specific items assessed under Well-Being Outcome 3 are presented and discussed below.

Item 22. Physical health of the child

☐ Strength ☒ Area Needing Improvement

Review Findings: The assessment of item 22 incorporated 42 of the 50 applicable cases. Cases judged to be not applicable were primarily in-home cases for which no physical health issues were identified. In assessing this item, reviewers were to determine whether (1) children's physical health needs had been appropriately assessed and, (2) the health services designed to meet those needs had been provided. The findings of this assessment were the following:

- Item 22 was rated as a Strength in 32 (76%) of the 42 applicable cases.

- Item 22 was rated as an Area Needing Improvement in 10 (24%) of the 42 applicable cases.

Cases were rated as a Strength for this item when (1) physical health care needs were assessed and provided in a timely manner for both foster care and in-home cases, when relevant; (2) physical health assessments of children in foster care were provided in accordance with agency policy (i.e., within 30 days of placement into foster care); (3) immunizations were up to date and included in the case record; and (4) children had received EPSDT when relevant.

Cases were rated as Area Needing Improvement for this item when one or more of the following concerns were identified: (1) children were in care for more than one month before a physical health assessment was conducted; (2) physical health records were not in the case file; (3) no dental services were provided; (4) children in in-home cases had physical health needs that were not addressed; and (4) physical health services were assessed and recommended, but never provided. Several caseworkers noted that it was difficult to obtain dental services for children because there were few dentists who were willing to take Medicaid payments. This was particularly true in the CPS offices serving rural communities.

Stakeholders, including foster parents, generally perceived children's medical needs as being met. Foster parents participating in focus groups indicated that they are responsible for arranging the medical exams on children when they enter care. Only a few foster parents noted that they do not routinely receive copies of medical records but have to request them.

Determination and Discussion: Item 22 was assigned an overall rating of Area Needing Improvement because almost one-fourth of the children in the case record review were found to have not received comprehensive physical health services. Because attending to the physical health needs of children should be a paramount concern of a child welfare agency, this percentage raises concerns about children's well-being. This finding also is contrary to State policies as described in the Statewide Assessment. As noted in the assessment, physical exams of children are required within 30 days of their placement into foster care in accordance with the agency's written policy manual. In addition, children in the custody of the State participate in the EPSDT program, the agency requires child's immunizations to be current, and current medical records are required to be in the files of all children in the State's custody. Foster parents complete a monthly report on the status of the child in their care. This report includes any medical or dental services provided to the child during the reporting period. The Statewide Assessment indicated that in the future, the monthly report will be revised to gather information on immunizations, EPSDT, and physicals. The Statewide Assessment also noted that currently obtaining dental care for children in custody is problematic due to the lack of dentists in the State willing to accept Title XIX payments. This is consistent with case record review findings and stakeholder comments.

Item 23. Mental health of the child

____ Strength __X__ Area Needing Improvement

Review Findings: An assessment of item 23 was applicable for 39 of the 50 case records. Cases that were judged to be not-applicable were foster care cases in which the child was too young for a mental health assessment and in-home cases in which the children's mental health needs were not an issue. In assessing this item, reviewers were to determine whether (1) mental health needs had been appropriately assessed and, (2) services to address those needs had been offered or provided. The findings of this assessment were the following:

- Item 23 was rated as a Strength for 27 (69%) of the 39 applicable cases.
- Item 23 was rated as an Area Needing Improvement for 12 (31%) of the 39 applicable cases.

In the 27 cases in which item 23 was rated as a Strength, children received comprehensive, and in some cases, intensive mental health assessments and services. For the 12 cases rated as an Area Needing Improvement, the following problems were identified

- Children in in-home cases were not referred for mental health assessments although there were obvious behavioral problems.
- Mental health assessments and services were recommended but there was no follow up by CPS and services were not provided.
- Mental health assessments indicated a high level of service need, but only counseling on a once-a-week basis was provided.
- Mental health assessments were not done on children in foster care even when children had a history of multiple placements, moving in and out of foster care, and chronic abuse and neglect.

Of the 13 stakeholders and focus group participants commenting on this issue, the general perception was that the State meets the mental health needs of children in foster care. Foster parents noted that "workers bend over backwards to get assistance for children who need counseling." However, stakeholders also reported that psychological evaluations are not routinely conducted for children in foster care, even if they have been victims of chronic abuse and neglect. Gaps in mental health services identified by stakeholders were day-treatment options for children and home-based mental health services. Stakeholders noted that these gaps were problematic because once-a-week counseling often is not enough to resolve children's mental health issues, and available residential treatment services are too restrictive to meet the needs of many of the children

Determination and Discussion. Item 23 was assigned an overall rating of Area Needing Improvement primarily because the item was rated as a Strength in only 69 percent of the applicable cases. Also, the Statewide Assessment indicated that while mental health services are available, they are not always accessible to many families. According to the Statewide Assessment, there are 11 community mental health centers that receive mental health block grant funding to serve the State. The majority of the centers provide

traditional evaluation and counseling services. They also provide the more nontraditional home-based services. The centers serve the local community and have itinerant or outlying offices to serve the rest of the State. A number of families must travel long distances to get to the services because of the large number of South Dakota's very small communities.

The Statewide Assessment also indicated that as the FACIS system is implemented statewide, more data on children's mental health services will be available. FACIS will track current mental health treatment, psychological evaluations, psychiatric evaluations, and applicable diagnosis. CPS is also beginning the process of statewide implementation of the Initial Family Assessment. The IFA will replace the current investigation and assessment process. The IFA requires that social workers do field assessments of all children's functioning, which includes assessment of cognitive, developmental and emotional functioning. This is expected to strengthen social workers' attention to children's mental health issues.

SECTION 2. SYSTEM FACTORS

IV. STATEWIDE INFORMATION SYSTEM

Rating of Review Team Regarding Substantial Conformity				
	Not in Substantial Conformity		Substantial Conformity	
Rating	1	2	3X	4

STATUS WITH RESPECT TO STATEWIDE INFORMATION SYSTEM

South Dakota is in substantial conformity with respect to the factor of Statewide Information System. Findings specific to this factor are presented and discussed below.

Item 24. State is operating a Statewide information system that, at a minimum, can readily identify the status, demographic characteristics, location, and goals for the placement of every child who is (or within the immediately preceding 12 months, has been) in foster care.

 X Strength Area Needing Improvement

According to the Statewide Assessment, CPS implemented a statewide, centralized mainframe system in 1975. The system records demographic information on families and children, service provision, the child's legal status, and key dates and generates payments to providers. Reports from this system include, but are not limited to (1) caseload reports for case workers; (2) summary data reports for supervisors; (3) summary data reports for field managers to assist them in monitoring case activities (by child and parent), workloads, and budget expenditures; and (4) reports to State and Tribal judges providing them with information regarding each child in their jurisdiction that is in State custody, including the length of time the child has been in foster care.

South Dakota began development of its SACWIS in 1994 and is gradually replacing the legacy system with the SACWIS, which is called FACIS (Family and Children Information System). At the time of the Statewide Assessment, CPS had implemented FACIS in

10 of the 24 State CPS offices. CPS expects to have FACIS implemented statewide by December 31, 2002. A clear advantage of FACIS is that it provides more case-related detail and narrative than the legacy system.

Interviews with stakeholders indicated that by the time of the onsite review, 13 CPS Offices were on the FACIS system. According to a State representative for FACIS, the implementation involves intensive training a few months prior to the conversion, and then ongoing technical assistance throughout the conversion process. At an individual caseworker level, a HelpDesk is available in the Pierre Office.

Two stakeholders who use reports generated by FACIS indicated that they believe the information to be accurate. One stakeholder suggested that workers adapt to the system easily and quickly and that they like it – “it is part of their day-to-day work.” Two of the uses for FACIS noted by stakeholders were (1) monitoring dates for children who have been in foster care to ensure compliance with ASFA; and (2) learning more about cases, particularly the numbers of cases that involve domestic violence and substance abuse. Reports that are routinely generated through FACIS are recurrence of maltreatment, number of children in foster care, number and types of cases, and number and types of children in the State's Independent Living Program. Stakeholders noted that managers use these reports to monitor workers.

V. CASE REVIEW SYSTEM

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2X	3	4

STATUS OF CASE REVIEW SYSTEM

South Dakota is not in substantial conformity with the factor of Case Review System. Findings on the specific items relevant to this factor are presented and discussed below.

Item 25. Provides a process that ensures that each child has a written case plan to be developed jointly with the child's parent(s) that includes the required provisions.

☐ Strength ☒ Area Needing Improvement

According to the Statewide Assessment, CPS agency policy requires that caseworkers complete a case plan for each child who enters foster care. This plan, called the Out of Home Service Agreement, is to be completed with the child's involvement, when age appropriate, and with the involvement of the foster care provider. Agency policy requires that the plan be completed within 30 days of the foster care placement. There does not seem to be any policy requiring workers to incorporate parent input into the case plan or to involve parents in the case planning process, although the State's Attorney noted that parents are expected to sign case plans when they are completed. The State's Attorney also noted that judges usually go over the case plan with parents at hearings to ensure that parents understand their responsibilities. Foster parents indicated that they are given the opportunity to provide input into case plans, and that they receive copies of the Out of Home Service Agreement and the Child Placement Agreements when they are completed.

Other stakeholders, including CPS personnel, reiterated the opinion that there is no formal process or policy for involving families in case plan development and that parents are rarely included in case planning, although workers may be encouraged to include them. The general impression given was that the case plan is prepared by the agency and then presented to parents for their signature. This was confirmed by the case record reviews, which found that for 36 percent of the cases, parents were not involved in the case planning process.

Item 26. Provides a process for the periodic review of the status of each child, no less frequently than once every 6 months, either by a court or by administrative review.

☐ Strength ☒ Area Needing Improvement

According to the Statewide Assessment, South Dakota Codified Law 26-8A-24 requires the court to conduct a review hearing every 6 months except in cases where parental rights have been terminated, or the court has placed the child in the custody of the agency with an approved alternative permanent plan. CPS policy requires that staff include the PPRT recommendations in any court report that is submitted to the court. The requirements of the 6-month administrative review are part of the Certification Training Program for new staff and the procedures included in the manual.

Although the Statewide Assessment indicates that both the mainframe (legacy) and FACIS systems can be used to track the 6-month administrative reviews, several stakeholders involved with the courts indicated that there is no court tracking system for 6-month reviews. Three stakeholders who are part of the court system indicated that hearings are only tracked prior to TPR or establishment of

Long Term Foster Care as a goal. Once these determinations have been made, the court does not track future hearings, but will hold a hearing at the request of the agency. However, periodic reviews are still required by regulation for this population.

Item 27. Provides a process that ensures that each child in foster care under the supervision of the State has a permanency hearing in a qualified court or administrative body no later than 12 months from the date the child entered foster care and no less frequently than every 12 months thereafter.

☒ Strength ☐ Area Needing Improvement

The Statewide Assessment indicates that the CPS State office tracking system includes tracking of time-frames for achieving 12-month permanency hearings, termination of parental rights for children in care 15 out of the last 22 months, and verification of compelling reasons when termination of parental rights is not initiated.

The comments by the 8 stakeholders addressing this issue concern the fact that not only do children in foster care have a permanency hearing within 12 months from the date of entry into care, but the court strives to complete permanency within that time frame. That is, at 12 months, the court will make a decision regarding the disposition of the case (e.g., return home, guardianship, TPR, or LTFC). Several stakeholders noted that many judges are very strict about not going beyond the 12 months and will not grant continuances, while other stakeholders indicated that judges were somewhat flexible regarding continuances. However, most stakeholders agreed that judges do not require the agency to bring children back to court for permanency hearings after either TPR or a goal of Long Term Foster Care has been established.

Item 28. Provides a process for termination of parental rights proceedings in accordance with the provisions of the Adoption and Safe Families Act.

☐ Strength ☒ Area Needing Improvement

According to the Statewide Assessment, there is an ASFA Tracking Form that documents the State's overall efforts in meeting the requirements of the Adoption and Safe Families Act. The data are reported monthly. The report captures information regarding new cases and provides current information on existing cases regarding the timeliness of court action to ensure permanency for children. The data received are then compiled into a State report that is analyzed and assessed for strengths and weaknesses.

One aspect of the form lists the reasons why termination of parental rights has not occurred for children who have been in care 15 of the most recent 22 months. The data indicate that there are 239 children who have been in care 15 of the most recent 22 months and termination of parental rights (TPR) on both parents has not been completed. One stakeholder noted that the State plans to go over individual cases with the workers to better understand reasons why TPR has not been established. Two factors that were noted to have a negative impact on attaining TPRs were Supreme Court Appeals and the Indian Child Welfare Act. According to the Statewide Assessment, there has been a significant increase in the number of appeals to the Supreme Court involving involuntary TPR and the appeals that are currently pending involve 60 children. The time frame between TPR and obtaining a decision from the Supreme Court is about 11 months.

Of the 10 stakeholders commenting on this issue, all agreed that CPS is making every effort to track cases to ensure compliance with ASFA. One stakeholder noted that the agency sends a report every month to circuit judges and tribal courts with a list of children in care and the status of the case as a way to highlight dates for TPR. For any office that is online with FACIS, TPR timeframes are tracked automatically.

The stakeholders also offered some opinions regarding why TPR may be delayed for some children. The primary reason concerns the reluctance of Tribal courts to grant TPR. Not only is TPR contrary to the values of the Native American culture, but if a tribal judge agrees to a TPR, the tribal council can file a motion and object. In general, in cases involving tribal courts, the agency may try to establish a legal guardianship for the child rather than try to obtain TPR. Another reason is that there are judges that will not grant a TPR if the child is age 11 years or older. One judge noted that children of that age already know their parents and therefore TPR is not appropriate. Instead, he establishes a goal of Long Term Foster Care for these children.

Item 29. Provides a process for foster parents, preadoptive parents, and relative caregivers of children in foster care to be notified of, and have an opportunity to be heard in, any review or hearing held with respect to the child.

☐ Strength ☒ Area Needing Improvement

According to the Statewide Assessment, CPS policy requires that local office staff notify foster parents, pre-adoptive parents, and relative caregivers of review hearings. The policy directs staff to notify the parties by letter and a copy is placed in the child's file. There is no policy regarding the rights of foster parents, pre-adoptive parents, or relative caregivers to be heard in any review or hearing.

Foster parents participating in focus groups indicated that they are always notified of hearings and permanency planning conferences and are invited to attend. They suggested that they regularly attend permanency planning conferences, but do not as consistently attend court hearings because they are rarely permitted to be heard. Foster parents noted that some tribal courts will not allow the foster parents to be in court during a permanency hearing. In general, stakeholders confirmed that foster parents are rarely given the opportunity to be heard in court. Although there was general consensus among stakeholders that foster parents do attend permanency planning meetings, these were described as being very brief – i.e., five or 10 minutes per case – and not involving an in-depth assessment of the child’s status.

VI. QUALITY ASSURANCE SYSTEM

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3	4X

STATUS OF QUALITY ASSURANCE SYSTEM

South Dakota is in substantial conformity with the factor of Quality Assurance System. Findings pertaining to specific issues relevant to this factor are presented and discussed below.

Item 30. The State has developed and implemented standards to ensure that children in foster care are provided quality services that protect the safety and health of the children.

 X Strength Area Needing Improvement

According to the Statewide Assessment, workers at the local level license foster homes and approve adoptive homes. The CPS State Office Licensing Program Specialist licenses group facilities, residential facilities, and child placement agencies. CPS has standards regarding foster care, group care providers, and licensed child placement agencies that provide for the safety and well being of children in care. These standards are in rule. The standards and procedures for licensing are included in a licensing manual. The manual is provided to each licensing social worker, supervisor, and Field Program Specialist in the agency. The standards for foster

homes require physical checks, home safety checks, a limit on number of children in each home, and reference checks. The agency required FBI checks, DCI State Division of Criminal Investigation) checks, and central registry checks prior to ASFA. Foster parents are also required to complete the 30-hour PRIDE training program before a license can be issued.

The standards for group care facilities, residential facilities, and child placement agencies also have requirements related to staff qualifications, child staff ratio, and health, fire, and safety checks. The rules provide for suspension or denial of licenses for noncompliance. One area of concern identified was that there was no licensing regulation regarding use of physical restraints in residential placement facilities. This was described as a significant concern because some facilities had been reported for maltreatment as a result of using restraints that were alleged to have caused injuries to children

All staff responsible for licensure of family foster homes or approval of adoptive homes must attend a PRIDE Training of Trainers session. CPS has comprehensive Licensing and Adoption Manuals that outline agency policies and procedures for licensing and adoption and includes explanations for the application of licensing rules.

With the exception of an absence of regulation regarding use of restraints in residential facilities, stakeholders generally agreed that the State has established standards to ensure that children in foster care are provided quality services that protect the safety and health of the children. Stakeholders noted that if there is a maltreatment report involving a foster home, that all workers who have children in that home are notified and no new placements are made in that home until the report is fully investigated.

Item 31. The State is operating an identifiable quality assurance system that is in place in the jurisdictions where the services included in the CFSP are provided, evaluates the quality of services, identifies strengths and needs of the service delivery system, provides relevant reports, and evaluates program improvement measures implemented.

☒ Strength ☐ Area Needing Improvement

According to the Statewide Assessment, CPS conducts quality assurance through case reviews by the Field Program Specialists. Beginning in the summer of 2000, the CPS State Office also implements quality assurance through random case record pulls in protective services, foster care and licensing for 2 districts per quarter. The case records are reviewed by the Program Specialists for each respective area with a summary of the findings returned to the Field Program Specialist for corrective action. This process continues today, and has incorporated the focus of the Federal CFSR process by targeting the following issues for review: (1) cases where there are more than 3 assigned referrals within a 6-month time span; (2) foster care cases in which the child has entered care twice within a 12 month time period; (3) alternative care cases where the child has more than 3 placements within the current episode;

and (4) out of home investigation cases to determine if the abuse/neglect could have been prevented. This reflects efforts on the part of the State to use the Federal review process as an internal evaluation of ongoing practices and services. Other methods of quality assurance noted in the Statewide Assessment include screening reviews, permanency planning review teams, child protection teams, citizen review panels, multidisciplinary teams, and FACIS reviews.

Stakeholders noted that either Child Protection Councils or Child Protection Teams exist in every area of the State and that they play a significant quality assurance role. Local CPS staff indicated that they hold supervising reviews, which involve a review of one case record per month per supervisor, not per worker. In addition, the licensing supervisor reviews all licenses.

VII. TRAINING

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3X	4

STATUS OF TRAINING

South Dakota is in substantial conformity with the factor of Training. The findings regarding specific items relevant to this factor are presented below.

Item 32. The State is operating a staff development and training program that supports the goals and objectives in the CFSP, addresses services provided under titles IV-B and IV-E, and provides initial training for all staff who deliver these services.

 X Strength Area Needing Improvement

According to the Statewide Assessment, the CPS policy manual directs supervisors to provide an orientation to all new social workers in a local office. This orientation includes a review of resource materials and a discussion of office, personnel, and program procedures. In addition, supervisors are to register all new CPS workers for the Certification training. The Statewide Assessment

notes that the Certification program provides a quality curriculum that helps to prepare staff for the work. Staff is tested and must pass all three test areas before they are certified.

Also reported in the Statewide Assessment is that fact that for all districts, new worker orientation training includes a combination of manual reviews, shadowing of experienced workers, and on-going supervisor consultation. Some districts include in-service training sessions, co-assignments of cases with experienced workers, and introductions to community stakeholders as part of the orientation. However, there is only one district that does not assign new social workers to child abuse/neglect investigations until they have completed social worker certification.

Each year, CPS submits a training plan to the State Bureau of Personnel that outlines the agency's training requests. Training topics that are considered essential are FACIS, Social Worker Certification, PRIDE training, Initial Family Assessment training and Building Skills training.

Twenty-one stakeholders and participants of several focus groups addressed the issue of worker training. There was general agreement that this was an important issue because of the high level of staff turnover in many of the State Offices. Twelve stakeholders suggested that the training provided to new workers was of high quality. The general opinion expressed was that training covers the key issues and workers are well-prepared for their work. The combination of the Certification training and the on-the-job orientation training was perceived as highly positive, particular when the orientation training involved shadowing or partnering cases with experienced workers. The Certification training was described by stakeholders as covering case planning, child development, interviewing, adoption, legal issues, and medical issues. If a worker does not complete certification within 6 months, they can be dismissed.

The one concern with respect to training, identified by four stakeholders, is that many caseworkers begin to carry full caseloads by themselves prior to training and that these caseloads can be excessive. Two stakeholders suggested that this contributes to staff turnover because the combination of excessive caseloads and lack of intensive training is likely to cause stress and burnout among workers. Of the six stakeholders that commented on the reasons for worker turnover, there was general agreement that excessive caseloads were the primary contributor and that it was not a question of inadequate salaries.

Item 33. The State provides for ongoing training for staff that addresses the skills and knowledge base needed to carry out their duties with regard to the services included in the CFSP.

____ Strength __X__ Area Needing Improvement

According to the Statewide Assessment, ongoing training is available from the agency, although there does not appear to be any requirements regarding ongoing training for workers nor is there an established formal curriculum for addressing ongoing training needs. Training was noted to take place during the Social Worker Annual Conference and the Annual Management Conference.

Stakeholders suggested that there are joint trainings available with CPS and court administrators and between CPS and law enforcement. Other stakeholders noted that the Casey Family Program and the Children's Home Society conduct a number of training sessions on adoption issues that workers are able to access. Supervisors indicated that they try to learn about community training opportunities for their workers and arrange for time to send them. However, the supervisors noted that they do not have time to attend local training sessions themselves, although they do receive a series of training sessions when they first become supervisors. One stakeholder indicated that the Sioux Falls Office sent two workers to Minneapolis to receive training in forensic interviewing.

Item 34. The State provides training for current or prospective foster parents, adoptive parents, and staff of State licensed or approved facilities that care for children receiving foster care or adoption assistance under title IV-E that addresses the skills and knowledge base needed to carry out their duties with regard to foster and adopted children.

 X Strength Area Needing Improvement

According to the Statewide Assessment, South Dakota became involved with the Child Welfare League of America and 14 other States in 1993 in the development of the PRIDE (Parents' Resource for Information Development Education) Program. PRIDE is a competency-based program that includes a 30-hour preservice (orientation) program for prospective foster and adoptive parents. The process also includes an in-home consultation following inquiry and several other in-home consultations as the training proceeds. There are 10 inservice training modules used after initial licensure to address the needs of families after they have been licensed. South Dakota continues to participate in the PRIDE National Advisory Committee to assess and improve the program.

Foster parents participating in focus groups during the onsite review indicated that they had received PRIDE training or, if they had been foster parents for a long period of time, MAPP training. Those foster parents involved in PRIDE training expressed positive opinions of the training, particularly the portion of the training that involves panelists.

In addition to PRIDE, foster parents are required to have 6 hours of inservice training each year. Several foster parents suggested that while there are many training opportunities, they are not always easy to access, particularly for foster parents in rural areas. Foster parents indicated that they need training in ICWA, in parenting children of different cultures, and in educational advocacy.

VIII. SERVICE ARRAY

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2X	3	4

STATUS WITH REGARD TO SERVICE ARRAY

South Dakota is not in substantial conformity with the factor of service array. Findings with respect to specific items assessed for this factor are presented and discussed below.

Item 35. The State has in place an array of services that assess the strengths and needs of children and families and determine other service needs, address the needs of families in addition to individual children in order to create a safe home environment, enable children to remain safely with their parents when reasonable, and help children in foster and adoptive placements achieve permanency.

 X Strength Area Needing Improvement

According to the Statewide Assessment, South Dakota has the services necessary to meet the needs of children and families but does not have enough of them to ensure access for all children and families throughout the State. This problem was attributed to the fact that South Dakota is largely a rural State. The Statewide Assessment notes that CPS has attempted to address this problem through better coordination of programs. Examples of this are (1) a statewide parenting training programs jointly funded by CPS and Child Care Services; (2) a school social worker program jointly funded by TANF and CPS; (3) the State placement committee that includes representatives from Corrections, Social Services, and Human Services; (4) the respite program conducted in conjunction with Human Services; (5) a home visiting program established in collaboration with the Department of Health; and (6) the drug and alcohol

treatment residential programs for unmarried pregnant mothers implemented in collaboration with the Office of Alcohol and Drug Treatment.

Stakeholders and case record reviews also indicated that there are a wide variety of services available to children and families in the State. The services identified include therapeutic foster care programs and assessment, a wide range of mental health programs, substance abuse treatment programs, services for children with disabilities, services for children with exceptional medical needs, culturally appropriate services for children from different cultures, domestic violence programs, residential treatment programs, and medical services. Parenting classes appeared to be more available in the urban location than in the two rural sites. The State also has a special service for sexually abused children. In addition, most stakeholders suggested that the service delivery is individualized to meet the needs of children and families.

The key gaps in services across the State were identified as (1) special needs day care; (2) mental health day-treatment services for children; (3) therapeutic services for adoptive families; (4) multicultural centers; (5) sufficient in-home mental health services so that there are no waiting lists for services; and (6) transportation to receive needed services. Another gap identified was the availability of quality residential placements for children in foster care.

Two key concerns were identified in interviews with stakeholders. One concern pertained to existing residential treatment programs. While the residential treatment program operated by the Children's Home Society was perceived as a quality service facility, the other residential treatment programs were described by at least 6 stakeholders as inadequate to meet the needs of children. Stakeholders noted that these residential treatment programs have highly restrictive environments, do not individualize services to children, and serve both dependent and delinquent children in the same facility with no differentiation of services. A major concern expressed was that often children are placed in these facilities who could be in foster homes, but there are no foster homes available.

The second concern, raised by only two stakeholders, pertained to the scarcity of free services. Stakeholders noted that many families cannot afford the counseling and drug and alcohol treatment services that are available, and even the sliding scale fees charged are more than families can afford.

Item 36. The services in item 35 are accessible to families and children in all political jurisdictions covered in the State's CFSP.

☐ Strength ☒ Area Needing Improvement

The comments included in the Statewide Assessment regarding availability of services across jurisdictions in the State are presented in the discussion of item 35. The Statewide Assessment also indicates that CPS uses Promoting Safe and Stable funds and CAPTA funds to assist families in accessing services or to provide a unique service that is needed.

There was general agreement among stakeholders commenting on this issue that services are readily available in Rapid City and Sioux Falls, but not in the more rural areas of the State. Two noteworthy exceptions to this are the Casey Family services offered on the Pine Ridge and Rosebud Reservations.

Item 37. The services in item 35 can be individualized to meet the unique needs of children and families served by the agency.

____ Strength X Area Needing Improvement

There were a few stakeholders who expressed the opinion that services can be and are individualized to meet the unique needs of children and families. Some of the services cited included efforts to serve disabled parents and children and attempts to respond to parents' requests for specific services.

However, the residential treatment facilities were cited by stakeholders as not individualizing services to meet children's needs, with the exception of the facility operated by the Children's Home Society. In most of the facilities a "levels" approach to services was used with all children going through the same program regardless of their individual needs. A few stakeholders also mentioned that there were difficulties serving immigrant children within their own cultural context, although some translation services were noted to be available and there was a multicultural center in one community. Additionally, the lack of Native American foster homes and foster homes representing some of the cultures of recent immigrants to the State hamper the agency's capacity to meet culturally-related needs for children in foster care.

IX. AGENCY RESPONSIVENESS TO THE COMMUNITY

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3	4X

STATUS WITH REGARD TO AGENCY RESPONSIVENESS TO THE COMMUNITY

South Dakota is in substantial conformity with the factor of Agency Responsiveness to the Community.

Item 38. In implementing the provisions of the CFSP, the State engages in ongoing consultation with tribal representatives, consumers, service providers, foster care providers, the juvenile court, and other public and private child- and family-serving agencies and includes the major concerns of these representatives in the goals and objectives of the CFSP.

☒ Strength ☐ Area Needing Improvement

According to the Statewide Assessment, focus groups were held in six locations prior to the development of the FY2000-2004 plan. Those 6 locations represented a cross section of the State -- i.e., the two largest communities, two tribal jurisdictions, and two average-sized communities. The information from the focus groups was used at a middle managers meeting to strategize around the issues. The Plan was developed from the focus groups, the input of the middle managers, and meetings with tribal contracted programs. A large share of the activities within the Plan includes ongoing involvement of external stakeholders in implementing and evaluating the goals and objectives of the plan. The external stakeholders include the Independent Living Services advisory board, Parenting Education Partners advisory board, tribal contracted programs, State Child Placement Team, Child Protection Teams, Citizen Review Panel, and Children's Justice Task Force.

Eight stakeholders who commented on this issue indicated that they felt they had been included in efforts to develop the plan either individually or as part of one of the external stakeholder groups mentioned above.

Item 39. The agency develops, in consultation with these representatives, annual reports of progress and services delivered pursuant to the CFSP.

☒ Strength ☐ Area Needing Improvement

The Statewide Assessment reported that the information from the focus groups and the meeting with the State and federal administrative representatives was used for the dual purpose of completing the Statewide Assessment and the FY 2001 Child and Family Services Plan review.

An area of concern that was reflected throughout the review is the relationship between the state and the Native American tribes. According to the Statewide Assessment, approximately 65% of the children in foster care are of Native American heritage. In the CFSR sample for South Dakota, 54% of the cases were of Native American children and families. Both the state and tribal representatives who were interviewed during the review expressed frustrations regarding the way cases involving Indian children and families were handled. Our review findings reflect the struggles to maintain cultural identity and sovereignty while assuring safety and permanency for children.

Some of the areas where the state will be required to focus improvements concerning Native American children include: (1) a need to recruit more Native American foster homes so that children can be placed within their tribes; (2) a need to improve preservation of connections to Native American culture when children are placed outside of the tribe; (3) more training for foster parents to understand how to connect children to tribal activities and events; (4) a need to work closely with tribal judges to ensure implementation of ASFA requirements for termination of parental rights so that children are not languishing in long term foster care; and (5) a need to collaborate with the Indian Health Services to ensure that the health needs of Native American children in the child welfare system are being met.

Item 40. The State's services under the CFSP are coordinated with services or benefits of other Federal or federally assisted programs serving the same population.

☒ Strength ☐ Area Needing Improvement

According to the Statewide Assessment, CPS held a meeting on March 29, 2001 that included State and Federal administrative representatives from the agencies that serve children. CPS invited representatives from the Department of Health, Department of Corrections, Department of Labor, Department of Social Services, Department of Human Services, the nine tribes, BIA, the State Division of Criminal Investigation, the US Attorney's Office, the Federal Bureau of Investigation, and some advocacy organizations.

Stakeholder interviewed during the review process indicated that it was routine practice for local agencies to meet regularly to discuss cases, identify priorities for services, address mental health services waiting lists, and generally address the issue of service coordination. Stakeholders reported that meetings between DSS and private agencies occur on a regular basis and aid in coordinating services. The Child's Voice Advocacy Center provides for a multi-disciplinary approach to dealing with sexual abuse issues across the various agencies. There also is coordination with juvenile justice in addressing many of the service needs of children.

X. FOSTER AND ADOPTIVE PARENT LICENSING, RECRUITMENT, AND RETENTION

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3X	4

STATUS WITH REGARD TO FOSTER AND ADOPTIVE PARENT LICENSING, RECRUITMENT, AND RETENTION

South Dakota is in substantial conformity with the factor of foster and adoptive parent licensing, recruitment, and retention. The findings with respect to specific issues assessed relevant to this factor are presented and discussed below.

Item 41. The State has implemented standards for foster family homes and child care institutions, which are reasonably in accord with recommended national standards.

 X Strength Area Needing Improvement

The Statewide Assessment indicates that South Dakota has had administrative rules for licensing of family foster homes since 1977, for adoptive homes since 1976, for group care centers for minors since 1975, and for residential treatment centers since 1981. These rules were developed using committees of consumers, providers, and other professionals and using CWLA standards and regulations from other States as guidelines. The rules are periodically reviewed and updated to reflect current practice or when concerns are raised by staff, consumers, providers, or the general public.

Stakeholders noted that the licensing of relatives meets the same standards as required for non-relative foster homes. The State requires an annual re-licensure of foster homes, which stakeholders indicated are done in a timely manner. Licensing standards are not waived except to modify numbers in order to keep siblings together. Children are not placed in provisionally licensed homes.

The one concern voiced by stakeholders was that there are no licensing standards for facilities regarding physical restraints of children. A key stakeholder noted that there have been reports of maltreatment of children in these facilities involving excessive restraints.

Item 42. The standards are applied to all licensed or approved foster family homes or child care institutions receiving title IV-E or IV-B funds.

☒ Strength ☐ Area Needing Improvement

According to the Statewide assessment, CPS has comprehensive Licensing and Adoption Manuals that outline agency policies and procedures for licensing and adoption and include explanations for the application of licensing rules. Supervisors of licensing staff are expected to review the manuals with new staff and provide training during the initial period of employment. Field Program Supervisors for each district are also expected to monitor the licensing and adoption processes and supervisors and Field Program Specialists are expected to review and sign off on Initial and Renewal Home Studies for foster and adoptive families. This is done to assure consistency in interpretation and implementation of rules and policies. State statute and administrative rules allow for issuance of a provisional license for family foster homes if they meet the physical standards and have completed the training requirements. Children are not placed in a provisionally licensed home. A provisional license may not be issued for more than 3 years, and a corrective action plan must be developed relating to correction of the noted deficiencies. There are currently no family foster homes provisionally licensed by CPS.

Item 43. The State complies with Federal requirements for criminal background clearances as related to licensing or approving foster care and adoptive placements and has in place a case planning process that includes provisions for addressing the safety of foster care and adoptive placements for children.

☒ Strength ☐ Area Needing Improvement

The Statewide Assessment notes that South Dakota Administrative Rules require the following:

- All family foster parents and adoptive parents and adult household members must have criminal record checks completed.
- All staff and volunteers of licensed child welfare agencies must have a criminal record check completed.

- All family foster parents and adoptive parents and household members ten years of age and older must be screened for substantiated reports of abuse or neglect.
- All staff and volunteers of licensed child welfare agencies must be screened for substantiated reports of abuse or neglect.

The local office screens for substantiated child abuse and neglect reports for State licensed/approved foster or adoptive homes, unless there are other States in which screening is needed. Licensed child placement agencies, group care center for minors, and residential treatment centers submit screenings for substantiated reports to the CPS State office. Licensed child placement agencies and facilities are encouraged to also contact other States in which individuals have resided to attempt to screen their child abuse and neglect registries.

Item 44. The State has in place a process for ensuring the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.

☐ Strength ☒ Area Needing Improvement

According to the Statewide Assessment, a major problem confronting CPS is the scarcity of foster homes, particularly Native American foster homes. This shortage is problematic because 65 percent of the children in alternative care in the State are Native American, but only 9 percent of the foster homes are Native American. However, the need for foster homes is broader than just for Native American homes and, as noted in the Statewide Assessment, CPS engages in a number of recruitment activities. For example, South Dakota has developed recruitment materials that are to be used by licensing/adoption staff in the field offices as part of their recruitment efforts. Field staff are involved in a number of activities throughout the year in an attempt to recruit foster and adoptive parents. These activities include speaking to various civic, church and other organizations in the community about the need for foster and adoptive parents; providing placemats in local restaurants with the message of the need for foster and adoptive homes; generating interest through use of local media, including newspapers, radio, and TV stations to present information on foster care and adoption; setting up informational tables at local workshops and other community gatherings that attract individuals who may be interested in providing care for children; and advertising upcoming pre-service training sessions in local media.

The Statewide Assessment notes that materials developed for distribution by local offices include information for Native American foster and adoptive families as well as descriptions of Native American children in need of care. Public Service announcements are submitted by local offices to radio stations that broadcast throughout Indian Country and beyond. Recruitment information has been published in the state's most prominent Native American newspaper. Despite these efforts, the number of Native American homes licensed by CPS has remained fairly constant over the past 5 years.

Stakeholders also expressed the opinion that a key problem that impacts quality services for children and families is the scarcity of foster homes in general and Native American foster homes in particular. In addition to the recruiting done by the agency, there is a considerable amount of recruiting conducted by the Children's Home Society under contract. However, foster parents participating in the onsite review focus groups indicated that they do not see regular advertisements on television or radio announcements for recruiting foster or adoptive parents. They also indicated that they do not see any local outreach being done. The general consensus among the six stakeholders commenting on this issue is that the State needs to do a better job recruiting foster homes.

Item 45. The State has in place a process for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.

☒ Strength ☐ Area Needing Improvement

According to the Statewide Assessment, CPS lists children on the regional adoption exchange located in Denver, Colorado. The Adoption Exchange includes Utah, Nevada, New Mexico, Wyoming, Colorado, South Dakota, Oklahoma and Missouri. Details about the children are included in a written profile and a web site, both of which are maintained by the Adoption Exchange. Adoptive families with home studies completed may also register with the Adoption Exchange.

The Adoption Exchange also lists the children on the national web site. The National Web Site can be accessed from the South Dakota CPS web site. Ten children are currently on the site. When families out of state inquire about a child, a home study is requested. CPS state office distributes all approved adoption home studies to each office in South Dakota. This provides the child's social worker with a number of families to consider in the matching process. When the family is from a different district than the child, the social workers from both districts will work on planning the placement.

The Statewide Assessment notes that because of the large number of foster parent adoptions, CPS does not find it necessary to rely extensively on cross-jurisdictional placements.

One stakeholder also noted that all Native American children go on the nationwide Indian Adoption Registry.

XI. DETERMINATION OF SUBSTANTIAL CONFORMITY

For each outcome and systemic factor listed below, mark “Y” where the State is determined to be in substantial conformity and “N” where the State is determined not to be in substantial conformity. For each outcome or systemic factor marked “N,” place a check beside the performance indicator, listed by item number in this form, which has been determined to be an area needing improvement.

Safety

☐N__ Outcome S1

☐x__ Item 1
☐x__ Item 2

☐N__ Outcome S2

☐x__ Item 3
☐x__ Item 4

Permanency

☐N__ Outcome P1

☐x__ Item 5
☐x__ Item 6
____ Item 7
☐x__ Item 8
☐x__ Item 9
____ Item 10

☐N__ Outcome P2

Child and Family Well-Being

☐N__ Outcome WB1

☐x__ Item 17
☐x__ Item 18
☐x__ Item 19
____ Item 20

☐N__ Outcome WB2

☐x__ Item 21

☐N__ Outcome WB3

☐x__ Item 22
☐x__ Item 23

Systemic Factors

☐Y__ Statewide Information System

____ Item 24

☐Y__ Quality Assurance System

____ Item 30
____ Item 31

☐Y__ Training

____ Item 32
____ Item 33
____ Item 34

☐N__ Service Array

____ Item 35
☐x__ Item 36
☐x__ Item 37

☐Y__ Agency Responsiveness to Community

____ Item 38
____ Item 39
____ Item 40

☐ Item 11
☐ Item 12
☐ Item 13
☒ Item 14
☐ Item 15
☐ Item 16

☐ N ☐ Case Review System

☒ Item 25
☒ Item 26
☐ Item 27
☒ Item 28
☒ Item 29

☐ Y ☐ Foster and Adoptive Parent
Licensing, Recruitment, and
Retention

☐ Item 41
☐ Item 42
☐ Item 43
☐ Item 44
☐ Item 45